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Canada Royal Commission
on pilotage

Hearings 1963

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ROYAL COMMISSION

ON

37

PILOTAGE

HEARINGS

HELD AT
MONTREAL

P. Q.

VOLUME No.:



76-79

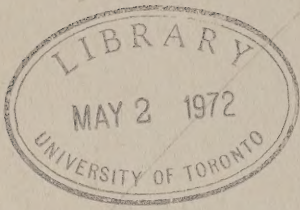
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal, Quebec,
on Wednesday, the 9th day of
October, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith	Member
Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild.
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada.
Mr. J. Mahoney	for the Dominion Marine Association.
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corp- oration of the Upper St. Lawrence Pilots.

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* * * * *



Montreal, Quebec
Wednesday
October 9th, 1963

9299

1 FRENCH

2 ---ON COMMENCING AT 10:00 A.M.

3
4 ANDRE C. BEDARD, Resworn

5
6
7 DIRECT EXAMINATION BY MR. LANGLOIS:

8 (THROUGH THE INTERPRETER.)

9 Q. Mr. Bedard, in answering to a
10 question yesterday on the matter of the adjustment of
11 the income to compensate for the \$65,000 paid to the
12 special pilots you mentioned that there were some coastal
13 ships using special pilots. Could you tell us if such
14 coastal -- if the owners of these ships were members of
15 the Marine Association?

16 A. No. I would have to check on the
17 list.

18 Q. Do you have that list?

19 A. No.

20 Q. The Dominion Marine Association,
21 did they ever tell you that they weren't opposed to
22 the adjustment of the income to compensate for that sum?

23 A. No.

24 Q. Did the Dominion Marine Association
25 ever tell you that they were against the application
26 of a percentage of the income of pilots to be paid
27 against the administration expenses?

28 A. No.

29 Q. Now, I come to the work stoppage
30 during 1962. During that work stoppage would it have



1 FRENCH

2 been otherwise possible for the ships to come up the
3 river?

4 A. Yes, it was very difficult for the
5 ships to come up the river even with a licenced pilot
6 at that time of the year from Quebec to Montreal because
7 it is the time of the year where the battures are there
8 and there was ice coming down and it is at that time of
9 the year there are many ships stopping from Quebec to
10 Three Rivers. These battures were coming down. This
11 happens at the same time as the work stoppage of 1962.

12 Q. This is when the ice breaks up from
13 Montreal to Quebec?

14 A. Yes.

15 Q. What is the length of the period of
16 the ice breakup?

17 A. I would say from four to five days,
18 sometimes seven days. It may vary. Mr. Tremblay or
19 Mr. Hamelin could probably explain this in more detail.

20 Q. In 1962 that period of the ice
21 breakup coincided with the work stoppage?

22 A. Yes.

23 Q. Now, to a question from Mr. Brisset
24 you said that when you were elected President of the
25 Federation you stopped being an administrator of the
26 Corporation of the St. Lawrence Pilots?

27 A. Yes.

28 Q. My learned colleague Mr. Brisset asked
29 you if this means that the candidate concerned, such
30 officer concerned had to divorce from his interest in



1 FRENCH

2 the Corporation to which he belonged. Would it be more
3 exact to say that you wanted to give proof of the divorce
4 when you resigned as Administrator of the Corporation of
5 Lower St. Lawrence pilots?

6 A. Yes.

7 Q. Now, a letter written in 1961 by the
8 Pilotage Authority to the President of your Association
9 about the four and a half per cent problem to pay for the
10 administration expenses. That letter was mentioned. Are
11 you aware that outside the Quebec, Father Point District
12 in St. John, New Brunswick, that you mentioned that such
13 a proposal was also made to other Pilotage Districts in
14 Canada?

15 A. Well, at one time a high official of
16 the D.O.T. told me in Ottawa that the Vancouver District
17 must have received a letter to the same effect claiming
18 for such a percentage of the income to be appointed to
19 the administration expenses but that high official told
20 me that his superiors had taken another line and such
21 letter wasn't sent to Vancouver.

22 Q. Would it be more correct to say, Mr.
23 Bedard, that the Pacific Coast pilots which are called
24 the British Columbia District pilots and the pilots of
25 the Fraser River from New Westminster down joined the
26 St. Lawrence pilots to protest against this new policy
27 proposed by the Minister?

28 A. Yes, very enthusiastically.

29 Q. During that period of 1962, that is
30 to say February, 1962, you were yourself a member of the



1 FRENCH

2 Canadian Merchant Service Guild?

3 A. Yes.

4 Q. Were you a member of the National
5 Committee of pilots or such an organization?

6 A. No.

7 Q. Do you recall who were the representat-
8 ives of your District?

9 A. Yes, in our District it was Mr. Gaston
10 Rousseau and Mr. Michele Doussault.

11 Q. Michele Doussault and Gaston Rousseau.
12 Could you explain to the Commission, Mr. Bedard, if
13 individual pilots are taken as individuals in their
14 District who are members of the Canadian Service Guild
15 or are they representatives of the Lower St. Lawrence
16 Pilots Corporation?

17 A. No, each member individual is a member
18 of the Guild.

19 Q. Is it absolutely essential to be a
20 member of your Corporation to be a member of the Guild?

21 A. No, not at all.

22 Q. It is not true to say that in certain
23 Districts that licenced pilots are not necessarily members
24 of the Guild?

25 A. Yes, it is correct. It is true.

26 Q. As a member of the Canadian Merchant
27 Service Guild were you present at some of the Annual
28 Meetings of this organization, and I want to be more
29 precise, I want to refer to the Annual General Meeting
30 of the Canadian Merchant Service Guild?



1 FRENCH

2 A. Yes, once I was there for a few minutes.

3 Q. Could you explain to the Commission
4 who are the delegates to the various groups represented
5 at these Annual Congresses of the Guild?

6 A. Well, there are not there, member
7 groups representing -- there are Captains, mates and
8 pilots there, but I don't know if all the groups are
9 represented.

10 Q. That is exactly what I wanted to know,
11 it is not a meeting of pilots. It is where they have
12 pilots, Captains and mates?

13 A. There are no such things as delegate
14 members.

15 Q. Now, the invitations, are they sent
16 to delegates or to all members of the Guild?

17 A. They are sent by circular letter
18 advising the members that there is an Annual Meeting.

19

20 ENGLISH

21 MR. JACQUES: I think, my lord, on the
22 question of the Guild it would be much better if my
23 friend Mr. Langlois would have as a witness an officer
24 of the Guild, and particularly of the branch which is
25 referred to in one of the Exhibits, Exhibit 757 or 758,
26 the officers of the Eastern Branch Division, and particul-
27 arly if it could be conveniently arranged the President
28 of the General Meeting of March 22nd, 1961 which is the
29 meeting at which the resolution referred to yesterday
30 was adopted.



1 ENGLISH

2 THE CHAIRMAN: You may speak to Mr. Langlois
3 about that and see if some arrangements can be made.

4
5 FRENCH

6 MR. LANGLOIS: Q. In any case it was my
7 intention, my lord, to call upon members of the Guild
8 to give evidence on that point. Now, Mr. Bedard, summaries
9 were mentioned about targeting revenue -- target income
10 was the word used, it was target income, the right word.
11 Will you explain what was meant by target income?

12 A. I think there was a limitation of the
13 income. I think there was a minimum and a ceiling.

14 Q. When there were talks of target income
15 was it a question of guaranteed income?

16 A. Yes, that was mentioned. We would
17 like to say at this point that in a proposal from the
18 ship owners giving figures and a guarantee of minimum
19 income -- we never saw such figures. It was mentioned
20 here and there but nothing concrete, really.

21 Q. Mr. Bedard, do you believe that when
22 they talk about target income they wanted to refer to the
23 other approach which was made to all the pilots to make them
24 like Government employees?

25 A. I don't believe that the target income,
26 that that would become such, but I think the fact would
27 have been the same in practice.

28 Q. Now, yesterday, in answer to Mr.
29 Jacques -- I don't want to imply that my learned colleague
30 wanted to suggest the answer. You answered in the



1 FRENCH

2 affirmative to a question which was worded as follows
3 and we were talking about the messages sent to some ships
4 east of Escoumains before the work stoppage. When my
5 learned friend said did you want to convince ships not
6 to come up the river you replied in the affirmative. The
7 word was contrainte. What was the meaning you used?

8 A. No, I don't say there was any pressure.
9 I think when reading the text there was information and
10 suggestions given. I don't think we were in a position
11 to make any pressure.

12 MR. JACQUES: If my questions are challenged,
13 choosing of one word I would object to such an interpreta-
14 tion, my lord.

15 THE CHAIRMAN: I don't think it is necessary.

16 MR. LANGLOIS: Q. Anyway I didn't want to
17 object at that time. I thought I would be able to cross-
18 examine on that point so I am having cross-examination.
19 Would it be more correct to say that you wanted to use
20 persuasion, that you wanted to advise Captains not to
21 come upriver at that time of the year?

22 A. Well, we were suggesting that it was
23 better for the safety of the ship to say east of Les
24 Escoumains.

25 Q. Now, I am coming to the cross-examina-
26 tion by my colleague Mr. Mahoney. He mentioned the
27 attitude of the Dominion Marine Association concerning
28 the draft Bill C-98. Are you aware that the Dominion
29 Marine Association expounded the point of view accepting,
30 the words used by my colleague/when this bill was discussed by



1 FRENCH

2 the Parliament?

3 A. No, not as far as I am concerned.

4 MR. LANGLOIS: That is all, my lord. I just
5 received a note from my learned colleague saying that he
6 used the word convaincre in French which is translated to
7 be convinced. If I am mistaken I am sorry.

8 THE CHAIRMAN: I think after the number of
9 questions the last word was convinced and not use pressure.

10 MR. BRISSET: My lord, I reserved my cross-
11 examination for the events in 1962. By reading my notes
12 I see we refer to the letter sent by Mr. Bedard to Mr.
13 Hamelin on the 6th of March, 1962 and that letter has
14 not been produced as an Exhibit unless my notes are
15 incorrect. I would ask that this letter be annexed to
16 the Exhibit which includes all the letters exchanged.

17 MR. LALONDE: I think my colleague is mistaken
18 and such a letter is in Exhibit 761.

19 MR. BRISSET: I withdraw my request, my lord.
20 I am in error.

21

22 RE-EXAMINATION BY MR. LALONDE:

23 Q. Mr. Bedard, I would like to raise a
24 number of points which were included in the cross-
25 examination of my colleague. First, I believe my colleague
26 Mr. Mahoney, asked you if the aids to navigation were
27 mentioned in the joint meeting with the ship owners and
28 representatives of the Pilotage Authority and the only
29 questions discussed were tariffs. Without binding you to
30 the text of the report, annex 61 in the brief for the



1 FRENCH

2 Shipping Federation of Canada, Volume 2, page 178 and as
3 it is an unsigned report we may presume it was drafted
4 by the officials in the Ministry. Could you, if you
5 read this report, would you be able to tell us if subjects
6 other than tariffs were mentioned during this meeting in
7 1961?

8 A. Yes.

9 Q. Could you mention some of them?

10 A. It is requested that a long delay be
11 granted by the ship owners to the pilots when they are
12 called upon to board ships.

13 Q. Pardon me, Mr. Mahoney said the
14 tariff questions and improvements in working conditions
15 and there were no problems of aids to navigation?

16 A. Well, this may be working conditions.
17 It may also be, if a ship owners have a pilot too late --
18 there may be some delay before he sails. It could be
19 working conditions. It could be in the interest of the
20 ship. We also requested that some accommodation ladders
21 be provided for the change of pilot, the embarkation of
22 the pilot at Escoumains, Three Rivers and Kingston, in
23 the Montreal District, we asked for navigation aids in
24 a particular buoy which was frequently unlighted and was
25 not immediately maintained and in the Cornwall District
26 the pilots made remarks to that effect especially of the
27 Lake St. Regis region in the Prescott bridge where the
28 power wasn't -- there wasn't enough power. In the Montreal
29 Harbour we mentioned that some ships were moving positions
30 without previous notice and that this implied some



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2 dredges were moved without previous notice and that was
3 a danger for navigation.

4 Q. Could you please tell us if there was
5 any request of an increase of the tariff in January 1961
6 outside of the request applying to Montreal Harbour which
7 seems to have been a remainder of the problem made in
8 October in Montreal, to increase tariffs in Montreal?

9 A. Yes, Montreal Harbour was negotiating
10 for a raise in the tariffs and we also had done a lot of
11 work on that subject. There is another District to this
12 assembly that requested an increase of the tariff. It
13 was the Cornwall District.

14 Q. I think this is shown in the pen-
15 ultimate paragraph of the report?

16 A. Yes.

17 Q. So far as those Districts are concerned
18 it seems that these were not on the increasing tariffs
19 but rather on the individual instances of pilots as
20 represented by D.O.T.?

21 A. That is correct, also, to improve the
22 system in the Quebec District. For a while there had been
23 an Escoumains Pilotage Station officer in charge, but in
24 the opinion of the parties concerned found that his daytime
25 operation wasn't very efficient so his transfer was asked
26 to another Pilotage Station and the pilots of the Quebec
27 District had raised again the question, the question of
28 the pilots for Quebec. I see here and I quote in English:
29 "The pilots undertook to write to the Department on this
30 proposal and the Chairman stated that a committee would



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2 be established to look into this during the forthcoming
3 navigation season.

4 The Committee would comprise Mr. Gaston
5 Rousseau, pilots representative, representative of the
6 Shipping interests, Captain J. Gendron, regional super-
7 intendent of pilots, representative of the Department of
8 Transport, Ottawa."

9 Q. So I think we can say it is not sure
10 if there was somebody aside from Captain Gendron or
11 Captain Gendron being only there because it is shown on
12 a different line?

13 A. There seems to be a comma after it.

14 Q. Do you have the full report -- it seems
15 that the pilots have asked for a increase in tariff or
16 tariff reduction in Quebec concerning its harbour pilots.

17

18

19

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1 FRENCH

2 A. Mention is made of that.

3 Q. Do you know if the Committee mentioned
4 ever met?

5 A. No. It was never convened.

6 Q. You mention there had been an agreement
7 in the year 1962 to the effect that there would not be any
8 increase in the tariff for a period of three years and
9 you stated that there would be a kind of reservation
10 about that. What did you mean by that?

11 A. By that I meant that the International
12 District of the Seaway from Cornwall to Kingston, well
13 in there there is a joint tariff between the American
14 and Canadian Governments. We requested the Minister at
15 that time that if the American pilots obtained an increase
16 in their tariff, that it would not be to the detriment of
17 the Canadian pilots and that, consequently, the latter
18 should have automatically an increase as well.

19 Q. Was the Minister in agreement with
20 that request?

21 A. Yes.

22 Q. I think that my colleague Mr. Mahoney,
23 asked you if the Federation of the St. Lawrence Pilots
24 had made certain efforts in order to try and find out
25 about the attitude of the Dominion Marine Federation
26 concerning the project of using a part of the pilot's
27 earnings to pay for the administration cost of pilotage.
28 Could you please tell me if, to your knowledge, the
29 Dominion Marine Association contacted certain representa-
30 tives of the pilots in order to voice their objection to



1 FRENCH

2 the project?

3 A. No.

4 Q. My colleague, Mr. Brisset, also asked
5 you questions concerning the length of the apprenticeship,
6 to try to find out if, according to you, the period of
7 apprenticeship of five or six years, as previously, was
8 too long, and we also have in evidence before this
9 Commission that this apprenticeship period has been
10 reduced to three years. Were there any compensations,
11 to your knowledge, about the work required from the pilot
12 apprentice because of this reduction in the years of
13 apprenticeship?

14 A. Financially speaking?

15 Q. No. I mean in the increase of the
16 work load of the apprentice as compared to the previous
17 period where six years of apprenticeship was required?

18 A. Yes. The winter courses have been
19 established, amongst other things.

20 Q. Were there any modifications in the
21 number of required trips for apprenticeships each year?

22 A. The apprentices must attend more trips
23 every year in order to reach a total of 240 trips for a
24 period of three years.

25 Q. Does that total correspond approximately
26 to the total that was required beforehand over a period
27 of five or six years?

28 A. Yes. The same number of trips remained
29 but we must accomplish them in a shorter period of time.

30 Q. My colleague also asked you some



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2 questions concerning the establishment of the Corporation
3 of the LowerSt. Lawrence Pilots and stated that you had
4 succeeded in convincing about two-thirds of the pilots,
5 that is 53 out of 74; I think that we already have the
6 evidence in Quebec about that, but I would like to ask
7 you if the evidence that we already received in Quebec
8 reflects the truth of what happened in reality? Mr.
9 Rousseau testified to the effect that as soon as you had
10 obtained 53 signatures, you had decided you had two-thirds
11 and decided to proceed immediately to the Incorporation
12 and subsequently a given number of pilots signed a few
13 weeks later voluntarily.

14 A. That is correct. I have 71 pilots
15 who are members of the Corporation out of a possible 77.

16 Q. But my question was to find out if
17 during the ensuing week you have recruited other members
18 with any more trouble than you had with the first 53.
19 In other words, was the decision of asking for an
20 Incorporation made as soon as you had the two-thirds?

21 A. Yes, as soon as we got two-thirds and
22 later on certain other members signed in and personally
23 I explained to them what this Corporation was to other
24 members and they signed in later.

25 Q. You were also questioned about the
26 possibility that the Federation President be also the
27 President or a Director of his own Corporation. Independ-
28 ently from the viewpoint raised by my colleague, Mr.
29 Langlois, in your opinion would it be possible or reason-
30 able for a pilot to be at the same time a pilot within



1 FRENCH

2 his District, President of the Federation and also a
3 Director of his own Corporation and to still perform
4 his duties?

5 A. This would be possible but not
6 reasonable.

7 Q. Mention was made also of the, let
8 us say, approximate nature of the setting of tariffs
9 from year to year and due to the fact that the tariff
10 could yield great fluctuations in income. To your
11 knowledge do you think that these fluctuations or these
12 considerable unexpected fluctuations could be attributed
13 to certain given factors?

14 A. Yes. Well, for example, Marine
15 traffic, the size of vessels. If there is a strike that
16 goes on as the one that exists at the present time amongst
17 the St. Lawrence Harbour and if such a strike is protracted
18 and lasts a few weeks, then it's quite sure that the income
19 will be less because of the kind of standstill of
20 navigation. Naturally we are exposed to these types of
21 fluctuations.

22 Q. Aside from these factors that you
23 just mentioned, such as the great increase in the traffic,
24 or considerable union troubles, would other factors be
25 enough in themselves to give rise to such an unexpected
26 fluctuation?

27 A. Aside from what reasons?

28 Q. Well aside from the increase of the
29 work load of pilots, or decrease of the work load due
30 to labour dispute, do you think that the factor of



1 FRENCH

2 increases in the tonnage of a vessel or simply an error
3 in the setting of tariff could give rise to what was
4 called an unexpected increase in the pilot's income?

5 A. Well the tonnage should be drastically
6 changed in the course of one year, that the vessels
7 be either much bigger or much smaller constantly during
8 that year in order to give rise to a big difference.

9 Q. To your knowledge was there a progress-
10 ive increase in the tonnage of vessels, or the average
11 tonnage of vessels in the St. Lawrence in the course of
12 the past years?

13 A. Yes, there was an increase ~~in~~ the
14 tonnage of vessels.

15 Q. To your knowledge at the present time
16 are we arriving at kind of a levelling off? That is to
17 say that the average increase is not as great as it used
18 to be?

19 A. Yes, that is correct.

20 Q. Are you aware of the approximate
21 situation today in your own District insofar as the
22 pilot's earnings are concerned for this year?

23 A. No.

24 Q. Are you aware of the situation in
25 other Districts?

26 A. No.

27 Q. Did the pilots inform you that, for
28 example, this year they would foresee, up to now, they
29 had reduced figures of income as compared to previous
30 years?



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2 A. Well I heard about that but this is
3 only hearsay. I couldn't check that statement.

4 Q. Do you consider that such fluctuations
5 in the income, resulting from factors such as the ones
6 you have mentioned, are more or less part and parcel of
7 the pilot's profession?

8 A. Yes, certainly.

9 Q. In relation to this question of
10 requisition on the part of the D.O.T. for part of the
11 pilot's earnings, your lordship, I notice that in his
12 letter sent to Mr. Gaston Rousseau, the Deputy Minister
13 of Transport refers to what he has called the setting of
14 a reasonable income for pilots by the Treasury Board.

15 I would like to ask the Commission if it would
16 be possible for the Commission to obtain the text of that
17 request of the Treasury Board sent to the Pilotage
18 Authority so that it may be produced to the parties
19 concerned, more especially as stated in paragraph 3 of
20 the letter dated September 15th 1961 and I quote: "The
21 Treasury Board has noticed that the pilot's income at
22 the present time is relatively high within certain
23 Districts and orders us to study again the question of
24 the using of public funds to pay the cost of administration
25 of the service of pilotage. It proposes to cut the
26 expenses whenever the income exceeds reasonable income
27 because in such a case the Government should not subsidize
28 pilotage."

29 THE CHAIRMAN: If I understand very well in
30 that field every year certain monies should be voted for



1 FRENCH

2 pilotage purposes and that is why the Treasury Board
3 must always ask for explanations so it would be interest-
4 ing, of course, to have that in evidence.

5 MR. LALONDE: And to find out if there was a
6 request made in writing or only an oral request.

7 THE CHAIRMAN: This will be necessary in
8 order to find out the whys of the assertions in that
9 letter. I believe I know the reason but I would like to
10 see it put in evidence.

11 Q. While I am still dwelling on this
12 request for correspondence, I would also like, your
13 lordship, to obtain if possible the correspondence between
14 the D.O.T. as regards the case of American pilots perform-
15 ing their duty in strictly Canadian waters of the St.
16 Lawrence between St. Regis and Montreal.

17 THE CHAIRMAN: You are going to get back on
18 this point when you are going to put your evidence, or
19 to make your evidence in Cornwall?

20 MR. LALONDE: Yes. I will need that for the
21 pilots in Cornwall and my colleague, Mr. Brisset, has
22 raised that question also as regards the threat of
23 stoppage of work of October 1960.

24 THE CHAIRMAN: According to the procedure
25 followed, this correspondence should be produced in
26 Ottawa but perhaps we can obtain it before that time.

27 Q. When the pilots of the District
28 St. Lawrence-Kingston-Ottawa made a request of the
29 compulsory payment of pilotage dues within their Districts
30 in 1960, do you know if that request had been made or had



1 FRENCH

2 been made to the Pilotage Authority for many years
3 previous to that?

4 A. This is what I was told.

5 Q. But you have no personal knowledge as
6 regards the events that preceded the year 1960?

7 A. No.

8 Q. Your attention was drawn also to the
9 fact that, for example, in the year 1960 if there had
10 been a stoppage of work the persons to suffer the greatest
11 harm from that would have been the ocean-going ship owners
12 whilst the conflict was with the Pilotage Authority.
13 Could you please tell us which parties with whom the
14 pilots are the most susceptible to be in conflict?

15 A. With whom there might be some serious
16 disagreement either with the D.O.T. or the ship owners?

17 Q. What do the ship owners represent in
18 your own mind?

19 A. All the users of the St. Lawrence
20 River such as the shipping companies which are represented
21 by the Shipping Federation of Canada Association,
22 the Canadian Shipping Owners, owners of small craft
23 navigation vessels.

24 Q. And if there is a serious dispute or
25 conflict with the Pilotage Authorities, in your opinion
26 would such a conflict, even if it affects only the
27 Pilotage Authority, or rather concerns only the Pilotage
28 Authority directly could have also an effect on other
29 parties?

30 A. I don't know how a conflict may



1 FRENCH

2 affect only the Pilotage Authority because I believe
3 that all interested parties such as the ship owners are
4 certainly involved in a decision.

5 Q. When you go on board a vessel, do
6 you usually have your pilots licence on yourself?

7 A. In my bag.

8 Q. Is there any provision made to the
9 effect that the ship's master may ask at any time ~~for a~~
10 pilot to show his licence?

11 A. Yes, that is correct.

12 Q. When my colleague, Mr. Brisset,
13 stated that the ship master of ocean going vessels could,
14 by mistake, hire American pilots in Kingston, do you
15 think that the same possibility of demanding the proof
16 of a Canadian licence could have been implemented?

17 A. Well the ship master can always find
18 out if his pilot is licenced or not.

19 Q. Did you have time to check upon the
20 request of Mr. Brisset to find out if the Federation had
21 shared the expenses of the Corporation upon the stoppage
22 of work of this year, 1962?

23 A. Only the investments which were made
24 in Quebec for the delegates.

25 Q. Do you mean to say you did not have
26 time to check that out or if there were no others?

27 A. There were no others.

28 Q. My colleague Mr. Brisset asked you
29 if you were aware that upon the submission of Bill S-3
30 to the Senate, the officers of the D.O.T. would have



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2 stated that it was their intention not to grant any
3 additional exemptions on ocean-going vessels on the St.
4 Lawrence and I think I asked you if you had been aware
5 of that statement or that assertion. Could you please
6 tell us what you answered?

7 A. I had answered no to that question.

8 Q. Even if that statement had been made,
9 would you have believed it?

10 A. Well if there is a bill to grant
11 exemption and if we are being told don't worry about it,
12 we are not going to grant any further exemption, I wonder
13 why they should present the bill in the first place.

14 Q. My colleague, Mr. Brisset, asked you
15 also if you had been in a position to find anything
16 whatsoever to support your assertion to the effect that
17 there was a press campaign by the Shipping Federation
18 regarding the publication of the pamphlet published, or
19 rather filed before the Commission as Schedule 49 of
20 Volume 2 of the brief of the Shipping Federation, page
21 138?

22 A. Yes. I looked at our scrap book and
23 I have here amongst others some press clippings dated
24 May 10th from the L'Evenement-Journal and Soleil May 11th.
25 Those are two Quebec newspapers.

26 Q. Do you think that the clippings of
27 May 10th and 11th have to do exactly with the brief of the
28 Shipping Federation?

29 A. Yes.

30 Q. Can you please read the title of these



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2 two press clippings?

3 A. In the Soleil May 10th it states: The
4 Canada Ship Owners blame the pilots for negotiating tariffs.

5 Q. And that of L'Evenement-Journal?

6 A. Position of the Ship Owners in the
7 establishment of tariffs.

8 Q. The Soleil of May 11th 1960, does that
9 have to do with the same subject matter?

10 A. Yes. The ship owners ask for a Royal
11 Commission of Enquiry on pilotage problems. And also a
12 newspaper from Three Rivers.

13 Q. I also note in the Quebec L'Evenement-
14 Journal another article. Would that article have to do
15 with the same subject matter?

16 A. Yes.

17 Q. And the title: Request for a Royal
18 Commission on Enquiry on Pilotage?

19 A. Yes.

20 Q. Did you have an opportunity of reading
21 these articles?

22 A. Yes.

23 Q. And those articles are they inspired
24 from the Exhibit that I have mentioned beforehand?

25 A. Yes, the booklet of the Shipping
26 Federation.

27 Q. Do you have any further indications
28 to the effect that this document has been given to the
29 newspapers?

30 A. Yes. Three Rivers here.



1 FRENCH

2 Q. What newspaper was that in Three Rivers?

3 A. The Nouvelliste and there was also a
4 distribution of that document which was given to the
5 M.P.'s of the House of Commons and the ship owners. As
6 soon as we -- rather the ship masters. As soon as we got
7 on board their vessels, they already had a copy of that
8 pamphlet and were discussing it with us.

9 I am reading an extract of a newspaper Three
10 Rivers Saturday May 14th 1960: Unjustified attacks against
11 the pilots of the St. Lawrence.

12 Q. Is that an article published by the
13 Federation or an advertisement or what?

14 A. Well it seems to be an editorial. The
15 Association of pilots of the St. Lawrence whose members
16 forma major part reside in the region and for many years
17 have been subject to the many unjustified attacks on the
18 part of Canadian Shipping Federation. At each session
19 many bills are submitted and their effect would be to
20 either sort of choke out the Pilot Federation or to stop
21 its action or rather to see to it that all the vessels
22 going in the St. Lawrence should not be forced to hire
23 competent pilots. The Shipping Federation has just
24 published a brief which attacks unfairly the Federation
25 of Pilots. The main argument of that organization consists
26 in the fact that the pilots are authorized to negotiate
27 themselves their tariffs and that their earnings are
28 exceptional, that is to say too high.

29 And I quote another paragraph here: Is it
30 necessary to record the enormous responsibility which is



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2 that of a pilot of the St. Lawrence because the remuneration
3 should be in direct proportion to the knowledge that a
4 man has and to the responsibilities assumed by him.
5 Finally although economic activity in Canada at that time
6 made a spectacular recovery with employment at its peak
7 and economic conditions the most favourable that the country
8 had ever known the pilotage profession during this period
9 experienced its poorest years.

10 Considerable amount that they save to the
11 shipping companies if they were exposed to groundings
12 or wreckings such as the one that just occurred off
13 Lotbiniere. The persistent attacks against the St.
14 Lawrence Pilots are unfair when we think especially that
15 they are started by discontented aliens because they are
16 mad to see that this profession is almost exclusively in
17 the hands of French-Canadians.

18 One must not be astonished if such attacks
19 increase and if they find kind ears amongst the Federal
20 Government because most of the time our own people are
21 not occupying important positions within the Canadian
22 economy for long but we must fight and save the small
23 monopoly won by our competency and devotion.

24 Q. I am happy to see that you also have
25 had some press clippings that were in your favour. Do
26 you have any other ones on this subject matter? I am
27 going to ask my question in another way. Did you make
28 a survey at that time of all Canadian newspapers on that
29 subject?

30 A. No. I see here that this was mentioned



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2 also in Rimouski in a weekly paper.

3 Q. When an amendment to the Canada
4 Shipping Act is proposed by the Government, does the
5 Federation think it is a matter which is automatically
6 of general interest?

7 A. Yes. The Bill introduced is certainly
8 at the beginning of general interest. After study it
9 may be that only part of it is of interest to us.

10 Q. When there has been an agreement about
11 raising the tariff of the Montreal Pilots in 1960, were
12 there any decisions taken at that time as far as the
13 amount of the raise in the tariff or the form of the raise
14 in the tariff? I said the Montreal Harbour, for Montreal
15 Harbour?

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1 FRENCH

2 A. I believe that there was to be a
3 raise of the tariff according to the scale on the tonnage.

4 Q. But with the Ministry at that time
5 did you study the way the tariff should be implemented?

6 A. Yes, but the details were to be dis-
7 cussed later.

8 Q. But was the quantum established or
9 subject to further negotiations?

10 A. I don't believe that it had been decided.

11 Q. The famous cables which are of so much
12 interest to my colleague Mr. Jacques and which were sent
13 to the ships in 1962, were they sent by the Federation,
14 the cables sent to Les Escoumains, were they sent by the
15 Federation of Pilots, St. Lawrence Pilots?

16 A. One or the other.

17 Q. Could these cables have been interpreted
18 as being sent by an official authority?

19 A. No.

20 Q. Are you aware that there is a limitation
21 that there can be some restrictions about sending messages
22 to the ships?

23 A. No, I don't believe there is any
24 restriction.

25 Q. If you had to do it again would you
26 think that it would be in accord with your duties to send
27 such a cable?

28 A. Yes, if the circumstances were the same.
29 If they were to do it again, of course, we would have to
30 study the circumstances.



1 FRENCH

2 Q. As far as the choice of the administrators
3 of the member-delegates that choice you mention is made by
4 the member-delegates -- are they the delegate members
5 of each separate group?

6 A. Well, each member group chooses its
7 administrators.

8 Q. Each member group is free to choose
9 the policy to be followed?

10 A. Well, each member group chooses
11 its delegate-members and the member group is free to
12 make its choice in this way of the delegates.

13 Q. Do you think in 1963 after the budgetary
14 estimates, the mention is ^{at} the recommendation of the Board
15 of Directors there was an additional levy of \$60.00.
16 Could you tell us if this amount was approved by the
17 assembly of delegates?

18 A. Yes, for administrative purposes we
19 proposed \$60.00 for administration at the assembly of
20 delegates the delegates thought that that amount wasn't
21 sufficient. They said that the amount should be \$75.00
22 plus \$25.00 for the next convention, so that it was
23 established at \$100.00, \$75.00 for administration expenses
24 and \$25.00 for the congress.

25 Q. Your original proposal was \$60.00?

26 A. Yes.

27 Q. So the proposal for the Congress,
28 was that included in the \$60.00 so in fact it was \$60.00
29 up to \$85.00 including Congress?

30 A. Yes.



1 FRENCH

2 Q. This was decided by the General
3 Assembly of the delegate-members. Did the Board of
4 Directors themselves recommend the \$60.00?

5 A. Yes.

6 Q. You asked if it was Dominion Marine
7 Association -- if you had knowledge of the fact that the
8 Dominion Marine Association would have opposed the proposal
9 to deduct four and a half per cent of the income of the
10 Quebec pilots to pay for the expenses? Have you been aware
11 of such an attitude on the part of the Shipping Federation?

12 A. No.

13 Q. I think you mentioned that the Shipping
14 Federation had discussed or studied or proposed some target
15 income in the preceding years. Are you aware that the
16 Shipping Federation of Canada would have come to the
17 negotiation table with some specific figure?

18 A. No.

19 Q. You have fully read a letter sent by
20 the Honourable Mr. Balcer to myself and which is filed as
21 Exhibit 761. I would like to draw your attention to the
22 last paragraph -- the penultimate paragraph of that
23 letter -- can you tell me if at the time the Shipping
24 Federation of Canada -- can you tell me even at the time during
25 the work stoppage of 1962 the Shipping Federation was able to
26 make a specific proposal about this idea of target income
27 before any District whatsoever, this was the old St.
28 Lawrence or for any other District?

29 A. The mention says the Shipping Federation
30 believes that this is one method that would be able to



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2 establish a detailed system which would be studied by the
3 Montreal Harbour pilots and he is going to undertake
4 immediately negotiations on that subject.

5 MR. LALONDE: I have no further questions to
6 put in examination of this witness. The witness said he
7 wasn't aware of any meeting between the ship owners and
8 the pilots after the joint meeting of the winter of 1960
9 until October 1960. I have a note in my personal files
10 saying that myself in the first of September, 1960 -- I
11 had written a note I went to see Captain Matheson on the
12 afternoon of the first of September and I gave him a copy
13 of the brief sent to the Deputy, the brief of the Federation
14 of St. Lawrence Pilots sent to the Deputy. It is filed as
15 Exhibit 754.

16 THE CHAIRMAN: 754?

17 MR. LALONDE: Exhibit 754 1960. At that time
18 I gave him three additional copies. I told him I would
19 send him additional copies and I did so as soon as I
20 returned to my office. I note we had discussions on the
21 overall nature of the brief and the various points which
22 we mentioned.

23

24 RE-CROSS-EXAMINATION BY MR. JACQUES:

25 Q. As far as all these articles published
26 in the newspapers would you agree that there has been
27 some exaggeration and maybe some lies?

28 A. Well, we see every time we talk to
29 newspaper men -- it always surprising to see how our words
30 are changed. Sometimes I am completely abashed to read



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2 such articles.

3 Q. In general you can say you can't
4 believe everything which is told in the newspaper?

5 A. Yes, I know that, but the general
6 public isn't of the same opinion.

7 Q. But the people who know the problems
8 wouldn't accept what appears in the newspapers as being
9 the full truth?

10 A. Not 100%.

11 MR. LANGLOIS: It is very difficult if he starts
12

13 MR. JACQUES: I couldn't understand what my
14 colleague says. He is being misunderstood.

15 THE INTERPRETER: I think this is an off the
16 record discussion.

17 MR. JACQUES: Q. There was an article
18 in Action Catholique in May 1960 by Nicole Bluoin?

19 A. Alas.

20 Q. You just said alas. Could you explain
21 "alas"?

22 MR. LALONDE: The legal adviser of the
23 Commission is using documents which haven't been filed.
24 I would like to know where they came from. Could I ask
25 my lord if I may see those documents.

26 MR. JACQUES: Q. On the 11th May, 1960 you
27 gave an interview to a newspaper woman named Nicole
28 Bluoin and you have just said alas. Could you explain
29 the alas?

30 A. I remember in particular that concerning



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2 the earnings, and said that the income was in the order
3 mentioned in the newspaper, 12, \$12,000.00, \$14,000.00
4 \$16,000.00 for the pilot income. I explained to Miss
5 Blüoin the expenses of the pilots could amount to very
6 large sums, hotel accommodation, travelling expenses and
7 so on and they were deducted and also for the pension fund
8 was something that was taken off the income of the pilots
9 and there were some administration expenses and this could
10 amount to \$5,000.00. The next day when I was reading the
11 article I saw it had been misunderstood. It said that
12 the pilots worked 13 hours and 36 minutes and made only
13 \$5,000.00 a year.

14 MR. JACQUES: Q. That is my point, my lord.
15 The press campaign which was being made by the ship owners
16 and the pilots...

17 MR. BRISSET: I don't believe that the legal
18 counsel of the Commission has a right to say there is a
19 press campaign of the Ship Owners' Association. He could
20 say this has been stated by the witness, but he can't
21 take it in his own words.

22 MR. JACQUES: Q. You gave us an example of a
23 case where you had stated something to a newspaper man and it
24 was misunderstood and given a different tone in the paper.
25 Would you agree with me to say that this means that infor-
26 mation is very poor?

27 A. Well, it all depends. When you are
28 using press releases such press releases are given a
29 proper treatment at the press conference and the newspaper
30 man has his own text and the facts are better interpreted.



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2 At a certain time I think it is our duty to advise the
3 public of certain facts especially when some information
4 is published which is false.

5 Q. Throughout the years you realize that
6 you should not give press conferences but press releases
7 so now you send press releases instead of giving interviews?

8 A. Well, when we have given a press con-
9 ference we always have prepared a press release and we
10 explain the press release and the newspaper people have
11 the text as a base.

12 Q. Do you believe that the public at
13 large can accept as the full truth an article published
14 in the newspapers?

15 MR. LALONDE: My lord, this is not a Royal
16 Commission on journalism.

17 THE WITNESS: In many instances the pilots'
18 income should be mentioned in the newspapers. I don't
19 know who gave the figure, but I remember an article
20 published in the Financial Post and one published in an
21 Ottawa Journal and at that time we had no conflict,
22 pilotage were going well and suddenly we saw an article
23 saying pilots are making so much money and certainly
24 somebody has launched a campaign which had been released.

25 MR. JACQUES: That is my point what is in the
26 newspapers doesn't necessarily contain true facts and such
27 a thing causes poor relations between the parties, sir.

28 MR. BRISSET: As the Ship Owners' Federation has
29 not subscribed to a clipping service to follow the press
30 campaign which she is accused to have launched against the



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2 pilots in the spring of 1960 I would ask your permission
3 to see the press clippings that the pilots received at
4 that time.

5 MR. LALONDE: I have no objection, my lord,
6 to giving these clippings to my colleague of those two --
7 I note that a number of these clippings are not sent by
8 the clipping service but these clippings were cut by the
9 local pilots out of the local newspapers. I have no
10 objection to giving them to my colleagues.

11 THE CHAIRMAN: Well you can do that during
12 the recess. Mr. Brisset can certainly have a look at
13 the clippings.

14 MR. LALONDE: I have no other questions. Could
15 I ask for a recess now?

16 THE CHAIRMAN: We will have a short recess.

17

18 ---Short recess.

19

20 MR. BRISSET: My colleague was kind enough
21 to take two pages out of his scrap book to show me the
22 clippings of the articles published in May, 1960 and they
23 were mentioned in the evidence given by the witness. I
24 would ask the Commission to file these as Exhibits. I
25 will have them photographed and I will give the clippings
26 back.

27 THE CHAIRMAN: That will be filed as Exhibit.

28 THE SECRETARY: Exhibit 766.

29 MR. BRISSET: Exhibit 766, extract of a number
30 of newspaper clippings giving articles published in May



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2 1960 and concerning the pamphlets published by the
3 Shipping Federation of Canada in March, 1960.

4 THE CHAIRMAN: Would you really like to use
5 the word pamphlet in French?

6 MR. BRISSET: I am ready to accept any other
7 word that you think is more correct. The word in French
8 would be brochure.

9

10 ---EXHIBIT NO. 766: Extract of a number of newspaper
11 clippings giving articles published
12 in May 1960 and concerning brochures
13 published by the Shipping Federation
14 of Canada in March, 1960.

15

16 THE WITNESS: Mr. Brisset yesterday asked to
17 reproduce a list of the member-delegates for 1960, 1961,
18 1962 and 1963. I have this list here. As far as the
19 other list you requested that will be reproduced later.

20

THE CHAIRMAN: It is Exhibit 76g.

21

MR. LALONDE: Mr. Jean Real Cardin?

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1 FRENCH

2 ---Following short recess.

3

4 JEAN REAL CARDIN, sworn

5

6 MR. LALONDE: My lord, I would like to refer
7 the Commission to Chapter 4 of the brief of the Federation
8 of the St. Lawrence Pilots and before interrogating the
9 witness, I would like to draw the attention of the
10 Commission to a number of erratum in the English text.
11 On page 83 in the English text the figure 1941 at the top
12 of table 6, page 83, should read 1949. Secondly, the
13 figure hundreds, the word hundreds on page 83 (a) table
14 12 of the brief should read "cents". Our translators were
15 misled. Thirdly, the same table in English includes the
16 mention cost per ton Quebec-Escoumains; cost per ton
17 Montreal-Quebec. These two terms should be interchanged.

18 That is to say that the top mention should be
19 cost per ton Montreal-Quebec and the bottom one should be
20 cost per ton Quebec-Escoumains. Well I mean the two
21 bottom lines when I say the higher terms on top, they
22 should be interchanged with the lower one. The two other
23 lines on top are correct.

24 THE CHAIRMAN: Am I to understand that these
25 errata do not appear in the French text?

26 MR. LALONDE: Well the mistakes do not occur
27 in the French text my lord but still there is another
28 side. On page 99 it should be corrected as far as the
29 two lower lines of the table are concerned, page 99,
30 table 12. Well the higher line of the bottom graph should



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2 read cost per ton Montreal-Quebec in the French text and
3 the bottom line should read cost per ton Quebec-Escoumains.
4 This is on page 99, table 12 of the French text.

5
6 DIRECT EXAMINATION BY MR. LALONDE:

7 Q. Mr. Cardin could you give your full
8 name and your age?

9 A. Jean Real Cardin - 40.

10 Q. You may sit down. What are your present
11 duties?

12 A. I am the Director of the Department
13 of the Industrial Relations in Laval University.

14 Q. Could you speak louder Mr. Cardin please.
15 What are your titles?

16 A. M.A. in Industrial relations from
17 Montreal University. A B.A. in Civil Law from McGill
18 University.

19 Q. Did you study in the field of
20 Industrial relations only at the University of Montreal?

21 A. No, I completed my first cycle by
22 doing two years post-graduate study at Chicago University.

23 Q. In what field?

24 A. In Industrial Sociology, Labour
25 Economics and Industrial Relations as such.

26 Q. And ever since you obtained these
27 University Diplomas mentioned above, what have been your
28 positions?

29 A. In the first place I was an Assistant
30 Professor at the University of Montreal, then I was an



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2 Associate Professor, and then Director of the Department
3 of Montreal for two years and now I have been at Laval
4 University for three years.

5 Q. In all those cases was your teaching
6 in the field of Industrial Relations?

7 A. Yes.

8 Q. For how many years have you been teaching
9 at the University level?

10 A. For the past 13 years.

11 Q. Did you have the opportunity of drafting
12 or co-operating towards the drafting of certain chapters
13 of the brief submitted to the Commission by the Federation
14 of the St. Lawrence Pilots bearing Exhibit 671?

15 A. Yes.

16 Q. Did you have the work of drafting
17 Chapter 4 in particular?

18 A. Yes, so far as Chapter 4 is concerned,
19 I can say that I wrote it practically entirely myself.

20 Q. I would like to ask you a number of
21 questions on the parts 2 and 3 of this chapter which
22 starts on page 67 of the English text. I am sorry, it
23 is page 75 of the English text, 68 of the French text.
24 Now first did you write this part?

25 A. Yes, and part two, page 75 as far
26 as the graph I wrote it.

27 Q. You can see in the first paragraph of
28 part 2 that the pilotage which is transport activity,
29 because it is exercised within the domain of transport,
30 the slightest recession directly affects it. Now could



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2 you explain to us if these variations apply in all the
3 domain of transport or is shipping more affected than the
4 other sectors of the economy?

5 A. I mentioned in paragraph 201, and also
6 in 198 and 199, 200, that the pilotage was very closely
7 related to the commercial and industrial activity of the
8 economy because such a function is exercised in the domain
9 of transport and that sector itself is influenced by the
10 general activity of the economy and if there is an increase
11 or a recession or a cyclical recession, necessarily the
12 pilotage would be affected directly because if the
13 economy is in the decrease, the transport itself would
14 be affected and of course the pilotage is strictly related
15 to the economy in general and also in particular to
16 social events and industrial relations as such, and there
17 is a direct effect on pilotage functions, and if we compare
18 this to other fields of activity, the effects are indirect,
19 and, in my opinion, pilotage is directly affected as soon
20 as there is a change in the economic activity of the
21 country.

22 I will give some examples. If you take the
23 service field, certain professions like doctors or M.D.'s,
24 well they are affected by the recession or by the sag in
25 the economy. If the personal needs are smaller, well
26 such services are affected but in an indirect way but a
27 doctor, who even in the period of recession, even if
28 his clients cannot pay, they have Government assistance or
29 they have private insurance which will pay the bill.
30 There are also other sectors in the industrial sectors,



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2 commercial sectors who are not so directly affected because
3 the demand is a demand which does not vary from one year
4 to the other and necessarily the income is less influenced
5 in such sectors and in the service field but the pilotage
6 sector is an activity where, as soon as the general
7 economy decreases or increases, the pilotage is affected
8 not only by an economical recession, but by political
9 events like a war which would paralyze the trade or the
10 blockage of certain goods or even a strike, just like the
11 strike that we have these days, and I believe these things
12 paralyze the pilotage activities and there are a number
13 of circumstances which affect directly the pilotage field,
14 if we compare it to other professions, other trades.

15 Q. Did you have an opportunity, when
16 writing that chapter, to notice the difference in the
17 economic activities of the field of pilotage as compared
18 to the economic activity of the rest of the economy during
19 certain periods? You mention, for example, a period of
20 war in particular and you have just stated that the field
21 of pilotage, just as the field of transport, was directly
22 affected by fluctuations in the economy. Have you noticed
23 that there were fluctuations that were particular to
24 pilotage activities? For example in paragraph 206 here
25 where you state "although the economic activity in Canada
26 at that time made a spectacular recovery, with employment
27 at its peak and economic conditions the most favourable
28 that the country had ever known, pilotage profession during
29 this period experienced its poorest years."

30 Could you elaborate on that point?



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2 A. Well this refers, well this is quite
3 particular for the field of pilotage. That is to say,
4 that aside from direct relationship existing between the
5 activity of that field and the general activity, you have
6 certain circumstances where while it is general prosperity,
7 we can say that exists, the field of pilotage more
8 particularly may be inversely or conversely affected by
9 that.

10 For example, and I believe this is a known
11 fact, that during the years of the last world war, we
12 have seen practically full employment in the economic
13 activity stemming from war industries and everything that
14 was related to that was extremely active. On the other
15 hand, the pilotage service, according to the statistics
16 that I mentioned in paragraph 204, 205, for example, was
17 more or less slowing down because of the existing political
18 conditions and what is even more striking as regards that,
19 at the very end of the last war, for example, in the course
20 of the year 1946, the post-war period there, we had a
21 sort of unblocking of prices and wages and it's the year
22 where we see or notice that the income of pilots is very
23 low. Their income had not even reached, in the year 1946
24 I think the rate of the year 1938. That is the first year
25 in the pre-war period, and this is quite a paradox because
26 of the economic conditions of that particular year but this
27 may be explained if we take into account the comment I
28 made on the type of paralysis which is evident on that
29 profession in terms of other factors, aside from the
30 economic ones. For example, we may have a total economic



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2 picture which you can give within a country, and many
3 professions, certain industrial sections may take advantage
4 of that a great deal, as was the case during the last war
5 but as pilotage is related to international trade, which
6 was being paralyzed by political factors, this may be
7 explained then, this kind of difference existing between
8 the income in the pilotage field and the economic
9 conditions within a country.

10 Q. You note in paragraph 208 that all the
11 figures that you have quoted previously are in terms of
12 annual gross income?

13 A. Yes.

14 Q. And these amounts have no deductions
15 for transportation costs and lodgings of their pilots
16 away from their homes because of administration of the
17 various pilotage Associations, group insurance and so
18 forth. Further, the pilots pay all the contributions to
19 the pension fund out of their own earnings. Do you think
20 that the fact that you have figured out this income on the
21 basis of the annual gross earnings gives rise to a certain
22 difference to what you have written previously in the
23 paragraph on part 2 of Chapter 4?

24 A. Make a certain difference?

25 Q. Yes. You talk only about gross annual
26 earnings in that case, and you say no deductions were made
27 for a whole series of expenses. Is that paragraph written
28 only in order to stress that the figures mentioned previous-
29 ly are gross figures or if, for comparison purposes, that
30 you have not done from year to year these figures in terms



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2 of gross earnings, they would have another meaning, if
3 it was in terms of net earnings?

4 A. Well there are many differences for
5 which I have stressed that this was in fact gross earnings.
6 For example, if we compare with the wage earners section
7 of the economy, as it has been done previously in other
8 fields, the wages represent an income, as such, a type
9 of net income and if you take taxation statistics, for
10 example, and we compare the incomes of certain liberal
11 professions in the Federal statistics, we see that the
12 figures which are shown in those statistics are net
13 income of professions, after different expenses incurred
14 for the exercise of that profession, and so forth, while
15 in the case of pilots, it was particularly harder to get
16 to a figure of net income. That is why we took into
17 account the gross earnings and those were the figures we
18 had and I would like to stress it and perhaps talk about
19 it a little bit more later on. The comparison is to the
20 disadvantage of pilotage vis-a-vis other statistics that
21 we have which are based on net income, and if we wanted
22 to figure out a certain amount of net income, in the case
23 of pilots, then one would have to deduct certain amounts,
24 as you mentioned before which are shown in paragraph 208,
25 various amounts are taken in the income for administration
26 costs of the Association and so forth, and this has not
27 been done in this particular case and if I remember, for
28 example, that I had made certain computations about that
29 and I think that at the present time we would have to
30 change these gross earnings by about 4% if we wanted to



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2 have these figures as net figures. This has evolved
3 considerably. About 15 or 16 years ago I think it was
4 1.5% and now it has reached the figure of 4% in the amount
5 of deductions. Well this is considerable but I believed
6 that it was a good idea to note it down.

7 Q. Well part 3 of the chapter, which is
8 entitled Economic situation of the pilots in relation to
9 certain factors, do you have any general comments to make
10 concerning this third part, before we start to study the
11 other paragraphs? What was your aim in preparing that
12 part?

13 A. For this third part, which is entitled
14 economic situation of the pilots in relation to certain
15 factors, well we had to try and find out what was the
16 relative situation concerning the pilots' earnings as
17 related to other industrial sectors or other professions,
18 for that matter, and this is the main objective of this
19 chapter. 4 on earnings of pilots.

20 Naturally, in the part that we have just left
21 I was talking in general words about the fact that the
22 pilotage earnings are directly affected by economic
23 conditions and political conditions, and so forth, whilst
24 in part 3, well I try to compare this income, trying to
25 compare it with the earnings of other sectors, also put
26 into an index for comparison purposes during a given period
27 of time, so this is the main objective on that chapter
28 number 4.

29 Q. I see that on page 79 of the English
30 text and 83 of the French text that you have a table



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2 entitled table 4?

3 A. Yes.

4 Q. Indices of average gross annual revenues
5 of pilots for the Lower St. Lawrence and Mid St. Lawrence
6 for the years 1946 to 1960?

7 A. Yes.

8 Q. Is there a particular reason for which
9 you have restricted yourself to these two particular groups?

10 A. Yes, and it's that one had the detail,
11 or rather we had the available source of these earnings from
12 the years 1945 to 1960 and we did not have the correspond-
13 ing statistics for the pilots from Montreal-Cornwall and
14 Cornwall-Kingston before the year 1956. Insofar as the
15 Montreal Harbour pilots are concerned, I don't think they
16 were constituted in a particular pilotage section before
17 the year 1957. For these reasons it led us to choose these
18 two Districts which may be considered as being valid
19 reasons.

20 Q. Could you please explain to the
21 Commission how you proceeded to the preparation of this
22 table?

23 A. Well in the first place these figures
24 are official figures which have been given to us by the
25 concerned Corporations. That is, as stated there I
26 indicate which was the source of that table and I think
27 that the figures we have for every second year for the
28 statistics, 1948, 1950, 1952 up to 1960, we took the
29 annual average gross revenue, that is the total gross
30 revenue divided by the effective number of pilots and then



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2 we put it as an index in order to render it relative and
3 comparable. Taking as a basic year the year 1948, we
4 did this for the very good reason that we had received
5 data every second year and we took the year 1948 as a
6 basic year or a base year for the purpose of the establish-
7 ment of these indices.

8 Now I would like to stress that this does
9 not affect the value of the data at all because you all
10 know as well as I do that an index is but relative.
11 Consequently, we could take any base year and we could
12 see there a trend, or at any rate the contrary effect of
13 a progression, so we took the year 1948 as a base year
14 and this gave us an index of the annual average revenue,
15 the point of progression of those incomes or earnings
16 during the past 15 years.

17 Q. What comments would you have to make
18 in relation to the indices at which you finally arrived?

19 A. Always on table 4?

20 Q. Yes?

21 A. In relation to the indices, well the
22 gross average, gross annual revenue of pilots of the Mid
23 St. Lawrence or of the Lower St. Lawrence have practically
24 trebled during the period of 1946 to 1960 and you will see
25 with the other comparative tables how this is obtained and
26 can be compared in relation to other indices that we also
27 established for such comparison purposes.

28 Q. If we notice the progression, the
29 general trend is to increase ever since the year 1946.
30 According to you would that trend, or increase be a regular



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2 one, a constant one or is there a certain trend or certain
3 variation in the rate of increase?

4 A. I think so, that there is a certain
5 type of variation in the rate of increase and this may
6 be explained by the fluctuation activity in certain
7 harbours or in international trade from one year to the
8 next, so these people are not given a wage, so they are
9 not under the same influence as these people within the
10 economy and this explains certain years of increase and
11 decrease and that is why we always have the central
12 trend when you take certain years like that, and then you
13 have the annual or periodic trend. The central trend is
14 to the increase, but, on the other hand, there is a certain
15 instability over a short period of time.

16 Q. Could you please explain how come, or
17 why, in your opinion from the year 1946 up to 1952, and
18 even for the year 1950 you have in the index practically
19 doubled. It passes from 152.5 for the Mid St. Lawrence,
20 whilst from the years 1952 up to 1960 the progression is
21 only 3 points as compared to the previous progression
22 which was of 75 points or 80 points. Would that be
23 explained, in your own mind, by the fact that during the
24 wartime you had this sort of constricted deduction for
25 pilotage services and you had a certain amount of unblocking
26 at the end of the war or if this is due to other reasons
27 or other factors?

28

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2 Would you please explain this breakdown?

3 A. As I just explained now I would enter,
4 because you undergo in the price level after the war and
5 consequently the Federal Government, for example, had to
6 re-establish its basic index for the establishment of
7 prices and so forth after the war. Then you have some
8 economic ratios and then a stabilization of the economy
9 starting with the year 1950 and in 1960 and the Korean
10 war and so forth there tends to be sort of a ratio -- it
11 is normal to have an acceleration curve, an upward trend
12 during the years follow^{ing}/immediately the post-war and they
13 finalize to the correct levels to reach the point where
14 they are today.

15 Q. To my mind the differences in the
16 curve as compared with the post-war years is comparable
17 or similar to the general curve of economy during that
18 period, 1946 to 1950?

19 A. I think we could say, generally speaking
20 that it is quite similar. I think that we should give
21 attention to the fact that the wage level, for example,
22 take the wage earner sector -- I think I see it somewhere
23 -- you have a constant increase of income in this wage
24 earner sector.

25 Q. If you want, let us pass on to table
26 5 which is shown on page 82 of the English text and page
27 85 of the French text which is entitled Indices of the
28 weekly averages of salary in 9 principal industries of
29 Quebec as well as the annual gross revenues of the pilots
30 of the Lower St. Lawrence and the Mid St. Lawrence for the



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2 years 1946 - 1960. The year 1948 the index is 100. You
3 indicate as the source the House of Commons. Was that
4 total completely shown as a whole in the debates?

5 A. Yes, as such. The only thing I had
6 to do was take it as an index and pick up some figures.

7 Q. What are the main comments you would
8 like to make in relation with the figures that can be
9 found, the indices that you have mentioned in this table
10 5?

11 A. This table as an example, and we will
12 have some others, but this weekly average salary in
13 industries in the Province of Quebec, and I took that,
14 using as an index the year 1948 equal to 100, the
15 progression of the Province, the upward trend has been
16 more or less constant from one year to the next with a
17 great stability in this index. The wages are weekly
18 wages in 1946 went from 82.9 to reach 194.0 in the year
19 1960. In the case of the indices for pilotage services
20 well, you have some fluctuation. It went down to 167.5
21 in 1957 and then you have decreased and then it goes up
22 to 188.8. In the case of wages, weekly wages there was
23 an upward trend. We know that industrial wages are not
24 the only ones to decrease in the case of an unfavourable
25 position. We always talk about the velocity of wages
26 and as soon as it reaches a certain fluctuation it
27 remains and due to certain pressures like unions and so
28 forth, there are wages to maintain, it's that level and
29 we can't have a decreasing of such rates. If we can't
30 increase them/periods of economic activity for psychological



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2 social reasons well we can give them some fringe benefits
3 and social security which may compensate for the lack
4 of increase in wages as such. At any rate this is always
5 constant.

6 Q. So you notice in particular this
7 constant upward trend for wages in the industrial field?

8 A. Yes.

9 Q. Is there any special meaning or
10 interpretation to be given to the difference in the years
11 1946, 1948 from 82.9 to 100 in the industrial field while
12 there is only 65.1 to 100 in the field of pilotage on the
13 St. Lawrence?

14 A. Well, I think immediately after the
15 last world war ~~quotations~~ have sort of been eliminated
16 immediately and I think there was a certain lack in that
17 field, while in the case of the ~~marine trades~~ or shipping
18 trade immediately this meant a considerable increase in
19 tariff and this may explain this rather rapid increase
20 in the short period of time.

21 Q. If I understand you properly well these
22 tables that we have cited up till now refer to the average
23 gross earnings of pilots. They make no reference to what
24 you have just mentioned, that is work load?

25 A. No, no reference at all.

26 Q. So you just take into account the gross
27 earnings of pilots at the end of the year?

28 A. Yes, the earnings as they found them
29 in statistics and I have established them as comparative
30 indices.



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2 Q. Table 6 on the next page is entitled
3 General Index of Average Salaries in Canada and Index
4 of Average Salaries in Water Transportation in Canada
5 for the years 1945 to 1961 and the year 1949 being 100.
6 Is that table prepared from official documents?

7 A. Yes, the source indicated, rates of
8 salaries, earnings and hours of work, 1961, report number
9 44, Ottawa.

10 Q. So, what would be the meaning of the
11 title and what are the main aspects of the title that
12 you would underline in relation to the previous tables?

13 A. Well, this is a type of comparison
14 index and the basic year was taken as 1949, so there is
15 a mistake in the English text. I have said previously
16 this was in the compilations of the D.B.S. as of 1949
17 and the reason for which we have taken another year in
18 the previous tables was because of the unavailability of
19 figures. This doesn't have an influence on anything
20 because I take care in comparing the general index of
21 wages in Canada -- that is all of the different industrial
22 circles exactly as word for word in report number 40.
23 The index for the industrial circle for water transportation
24 which is a particular sector and which are established
25 according to the same base so there is no approach for
26 comparison purposes, consequently it is based with 1949
27 equal to 100.

28 What is important to notice in this table is
29 that whilst the average annual wages in Canada as a whole
30 went from 69.3 in 1949 to reach 180 in the year 1961 and



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2 in the meantime wages for different trades and professions
3 in the field of water transportation went from 67.6 in
4 1945 to reach 199.5 in the year 1961 and this, at any
5 rate represents 19.5 points more for this particular
6 sector as compared to ~~Canadian~~ industry as a whole. It
7 is quite interesting to note that because at any rate
8 the pilotage services performed in this field of water
9 transportation and we can see that this increase was rather
10 considerable especially in the course of the last years.
11 That is why I wanted to compare the general index, the
12 main index on the special section which is of direct
13 interest to us.

14 Q. Once more we notice in this table
15 that there is a trend upward throughout all the years.
16 We don't notice the fluctuation that you had mentioned
17 previously in the case of the index of pilots' earnings?

18 A. No.

19 Q. Table 7 on page 84 of the English
20 text is entitled Indices of the Average Monthly rates of
21 salaries for the position of first mate in Canada and
22 for the Atlantic and Lower St. Lawrence regions as well
23 as the Average Annual Gross Revenues of the Pilots of the
24 Mid St. Lawrence and Lower St. Lawrence for the years
25 1946, 1960, base year year 1948 is equal to 100. Could
26 you please explain to the Commission what is the source
27 of this information and how you have compiled these
28 indices and what comment or what interpretations you would
29 like to give?

30 A. It is still the same source, rates of



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2 salaries, earnings and hours of work, Department of
3 Labour, Ottawa. In the case of the average monthly rates
4 and salaries for the position of first mate in Canada and
5 for the Atlantic and Lower St. Lawrence regions, naturally
6 there I had to take not only the publications of the year
7 1961 but the whole series starting from 1941 -- 1946 and
8 the whole series of the Federal publications and this
9 series of publications -- we were able to find what were
10 the wages in absolute figures for the particular position
11 and set it as an index at the same time because the two
12 data meet directly. We only have to take them in these
13 publications, in the French series of publications and
14 for Canada as a whole and then for a given sector which
15 seemed to us quite a representative one and valuable one
16 as we had sections of the St. Lawrence, Mid St. Lawrence
17 and Lower St. Lawrence, so we compared that and we set
18 up that table and for Canada as a whole it is given the
19 first mate in the year 1946 went from 81.1 to 208.6 in
20 the year 1960. In the Atlantic and Lower St. Lawrence
21 Region an upward trend is even more dramatic if we take
22 the two extreme figures, 65.2 in 1946 and finally 198.8
23 in the year 1960. You have here the index for pilots
24 of the two given Districts and the only comment I could
25 say immediately about that table is that we should see
26 there that the average annual gross revenues of the
27 pilots are quite in proportion, comparable with the
28 increases in other sectors.Q.Could you please tell me if
29 the absolute figures that you have found on income, take
30 for example in the Federal publication are figures that



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2 contain the increase ever since the year 1946 for fringe
3 benefits?

4 A. No, this takes into account only wages
5 because the fringe benefits are additional.

6 Q. So the index that you mention, for
7 example, that went from 81.1 to 208.6 doesn't include the
8 evolution that might have occurred since the year 1946
9 in the field of fringe benefits?

10 A. No. There is also the shortening of
11 the work week that might be taken into account. Fringe
12 benefits have increased in relation to the total income.

13 Q. According to your knowledge in the
14 field of industry do you think that the benefits granted
15 within collective agreements of these benefits -- there
16 is a certain trend towards an increase since 1946 in
17 relation to the upward trend of wages themselves?

18 A. Well, I must confess I couldn't tell
19 the exact ratio for example to find out what extent
20 fringe benefits have increased as a base rate within
21 wages themselves but we can sort of assume it because I
22 told you starting with the year 1950 the economy was
23 more or less stabilized, the rates of unemployment had
24 increased and at any rate in the union sectors of the
25 industry -- we can't explain in here because there are
26 concessions when wages as such haven't -- on the other
27 hand cost of living increases steadily well, we have used
28 other things, for example by having fringe benefits to
29 increase the social security, increase, for example the
30 annual paid holidays, the number of statutory holidays which



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2 are paid every year and you have a whole series of fringe
3 benefits which have developed a great deal during the past
4 ten or fifteen years and this has been rising in all
5 phases in the field of industrial relations and we can
6 notice that in the statistics. At the present time if I
7 am not mistaken, what is called fringe benefits or the
8 surplus of wages which are not wages as such represent
9 1/5th of the cost of labour for employers.

10 Q. So you mean 20% of the cost of labour
11 would be for fringe benefits?

12 A. And the ratio is increasing and the
13 trend is towards an increase.

14 Q. In these fringe benefits would you
15 also include the reduction of the work week?

16 A. Yes, it is another factor which I
17 don't include in these fringe benefits. This is another
18 factor which had a part to play and which is mentioned in
19 the preceding chapter when we talk about gradual reduction
20 in the number of hours of work in Canada and in the
21 Province of Quebec in particular. I think I have two
22 tables in the chapter which talk about this gradual
23 reduction of the work week which went from 45 hours per
24 week on an average in industrial sectors and finally
25 which was decreased to 41.1 hours per week, so this is
26 another formula aside from fringe benefits.

27 Q. So those decreases in the weekly hours
28 of work is not considered as a fringe benefit?

29 A. No, this is not part of what is
30 included in the same title as wages.



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2 Q. This trend towards increasing the
3 share taken by fringe benefits of the income, would that
4 appear in the pilotage field?

5 A. I am sorry I didn't understand.

6 Q. The increasing trend that has been
7 noted in the rest of the economy towards fringe benefit,
8 did you notice this in the pilotage field? Is there any
9 base on which you could calculate the fringe benefits in
10 the pilotage field? Did you find in your study any
11 contribution of the employers towards the pension fund or
12 towards the medical insurance for the pilots?

13 A. No.

14 Q. What I want to underline is in the
15 first part, in this table you take into account only the
16 salary but for the first mate there is the aspect of
17 fringe benefit which is not included in this -- in any
18 case it wouldn't apply to the pilots?

19 A. Well, of course, because this doesn't
20 exist, because they take care of their own insurance and
21 their own pension through their own Corporations.

22 Q. Is that why in paragraph 216 you say:
23 "If we consider, for example, that about 20% of the
24 revenues of salaried workers are devoted to what is termed
25 fringe benefits in the form of paid vacations, paid
26 statutory holidays, group insurance of all kinds, pension
27 funds etcetera it is necessary for us to conclude that the
28 relative position of the pilots in this respect remains
29 below that progress realized in other sections of the
30 economy".



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2 A. It is on that basis because when one
3 calculates the salary rates for Canada as a whole or a
4 certain section of the economy -- it is only normal
5 salaries and you have all these benefits which are not
6 included in the salary as such but which represent a
7 certain income, such as pension fund, or insurance and
8 necessarily in the case of the pilot and as in the case
9 of other professions, professional activities, well, they
10 are not as yet treated in this respect.

11 Q. In paragraph 217 you want to underline
12 the relatively advanced age of the pilots at the time of
13 their entrance into the profession. That is the
14 apprenticeship period is a period which is considered as
15 being a period where there is no income. Does that
16 concur with what you said in the preceding paragraphs?
17 How does that fit?

18 A. Of course, the apprenticeship system --
19 as you say the total income of the man is calculated on
20 the number of active years as such and if the apprentice-
21 ship period is long and so that you have to exercise a
22 certain trade or profession, well it is less on active
23 years which are lost as far as total income is concerned
24 and we have to make the respective conditions with other
25 professions. I find the same study for teachers and so
26 on, that we recognize that the salary should take into
27 account the number of years necessary for studies because
28 when one gets an A licence instead of a B licence after
29 larger study, a longer number of years -- all this could
30 be calculated and it is perfectly normal and it is done



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2 at other professions, that it is the active period which
3 has to be taken into account. It has to be compensated,
4 otherwise, the loss of time in the early years no one ever
5 catches up with it.

6 MR. LALONDE: It is quarter to one, my lord.

7 THE CHAIRMAN: We are going to recess now until
8 2:30.

9
10 ---Luncheon adjournment.

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2 ---Following luncheon adjournment.

3
4 DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

5 Q. Mr. Cardin before adjournment you had
6 underlined the delay factor to earn on account of the
7 apprenticeship or training, and this was to be an element
8 that should be taken into account in the evaluation or
9 assessment or eventual earnings of pilots. Am I summing
10 up exactly the situation?

11 A. Yes.

12 Q. I notice that in the brief, in
13 paragraph 218 and following, you tackle questions that
14 have a direct influence upon us. That is to say the
15 revenue of professionals and on page 90 of the French
16 text and page 87 of the English text you show a table
17 entitled "Indices of the Average Net Revenue of Certain
18 Liberal Professions in Canada and the Average Annual
19 Gross Revenues of pilots of the Lower St. Lawrence and of
20 the Mid St. Lawrence for the years 1946 to 1960." The
21 year 1948 is the base year, established at 100.

22 Could you please make a few comments insofar
23 as the establishment or the source of this table and the
24 interpretation to be given to that table is concerned?

25 A. Well for the source it is indicated
26 at the bottom of the table. This is what is called in
27 English the Federal Taxation Statistics for the year 1946
28 to 1960, the D.B.S., Ottawa, Dominion Bureau of Statistics,
29 Ottawa.

30 In referring to the different publications of



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2 the Revenue Department and its statistics, we have
3 compiled the net income for different liberal professions,
4 amongst those: Surgeons, physicians, lawyers, notaries,
5 engineers, architects, dentists and we have included at
6 the other column on the right other indices that we
7 already know for the two pilot Districts, that is the
8 Mid St. Lawrence Pilots and the Lower St. Lawrence Pilots.
9 The base year for all increases is the year 1948, which
10 is equal to 100 and the incomes in absolute figures in
11 dollars, that is the average incomes for the different
12 professions have been put in an index, once more, in
13 order to be able to see the rate of increase of these
14 different liberal professions and incomes, and we see that
15 for the year 1946 to 1960 well doctors and surgeons
16 started with an index of 90.2 and have evolved up to an
17 index of 197.2 in 1960. Lawyers and notaries, 78.5 to
18 175.6 for the same years, and so forth.

19 In certain cases, as for the engineers and
20 architects and dentists, well the increase was quite
21 considerable, 80.2 in 1946 to 210.1 in 1960 and for
22 engineers and architects and dentists from 98.3 to 226.8
23 in 1960. Naturally we restricted ourselves to these
24 professions because those professions are the ones in
25 which the statistics were rather complete in the reports
26 of the Dominion Bureau of Statistics and we believed that
27 they could best be compared with the pilotage profession.
28 Naturally the table might be more complete if we included
29 certain other new professions, but I think that these
30 traditional professions give us an excellent index of



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2 what was the evolution in the incomes of typical professions,
3 and if we see the increase for pilots in the two Districts,
4 that is from 65.1 in 1946 up to 188.8 in 1960, in the case
5 of the Mid St. Lawrence and in the case of the Lower St.
6 Lawrence from 65.7 to 208.2, well we see that these figures
7 compare rather well with the rate of increase in the income
8 of other liberal professions such as those that are indica-
9 ted on that table, always starting with the year 1948,
10 which is 100.

11 Q. You may correct me if I am wrong, but
12 it seems to me that the pilots are the only profession in
13 the list that you have enumerated for whom the index gave
14 rise to an occasional fluctuation. For example, from
15 1954 to 1956 for Lower St. Lawrence and from 1956 to 1948
16 for Mid St. Lawrence it seems to me that there is no
17 regression or no similar decrease in the other professions
18 indicated in that table.

19 A. Well if we look at the table closely,
20 I don't think we can detect, with the exception of lawyers
21 and notaries, I think in 1950, 116 and then in 1952 110
22 but then afterwards there is a leap up to 143 in 1954.

23 This is the only example of a decrease, while
24 this decrease is more or less constant in the case of the
25 pilots of the two Districts concerned.

26 Q. There are two problems I would like
27 to raise, and I would like to have your comments upon them.
28 In the first place you have prepared, on the one hand,
29 an index for a net income for liberal professions and a
30 gross income for pilots. Do you think that this table



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2 can just the same be justified even if you accept this
3 difference in the foundation used for producing the index?

4 A. Certainly, because the indices are
5 essentially relative, as I said this morning, because these
6 figures are quite relative. In the case of the different
7 liberal professions indicated on this table, well those
8 were net incomes, that is the gross earnings less, due
9 to the exercise of the profession, less expenses for the
10 office, and so forth, a whole series of items which are
11 indicated, at any rate, in the report and naturally what
12 we have filed are the net incomes so I took them as such,
13 naturally. I think it is far more realistic and objective
14 to take the net income in the case of liberal professions
15 and in the case of the pilots we took the gross earnings
16 because those were the statistics that I had on hand, but
17 as I stated previously, I think that the pilotage statistics
18 is a disadvantage as compared to the other professions
19 studied, naturally. With one we have to do with net
20 income and another one gross earnings, we would have to
21 use certain ratios in order to reach an objective figure.

22 Q. Are you referring to what you said
23 previously?

24 A. Referring to this index in the
25 administration costs for example, which is said went from
26 1.5 in 1946 to 4% in the year 1950, I think.

27 Q. Would that have affected the indices
28 in the case of pilots indicated in table 8?

29 A. Naturally if we change that from 1.5
30 up to 4, well this would reduce perhaps the indices from



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2 188.8 and 208.2 by about 3 points in each case, and this
3 has not been done, but I think that what I have mentioned
4 objectively in paragraph 220 and 221, we think the trans-
5 portation costs, the per diem in certain Districts, as is
6 indicated in paragraph 221, constitutes a certain con-
7 siderable sum and this is included in the expenses of
8 other professions and this is not included in the case
9 of the pilots, as we took the gross earnings as a basis,
10 and not a net income.

11 Q. I think that the figures obtained,
12 insofar as the gross earnings are concerned, are figures
13 that for all practical purposes are absolute official
14 figures from the Department, so far as the amount received
15 is concerned, and so on. On the other hand, it is quite
16 evident that with the figures having to do with the net
17 income of professions in the D.B.S. statistics, I think
18 that we could contend that the figures for net revenues
19 published in the D.B.S. statistics are not the lowest for
20 net incomes because I think that these statistics are
21 based on the income tax returns of individuals?

22 A. Yes. I forgot to mention that before-
23 hand. You have just underlined that fact very well. In
24 the case of the pilots, this is something that is quite
25 objective, practically a mathematical order, while in the
26 case of the statistical estimates from the D.B.S., well
27 those are based upon income tax returns and naturally there
28 is perhaps a certain decrease in the income.

29 Q. But as you have put that in the index,
30 do you think that these figures, voluntary or theoretical



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2 figures, and partially practical figures of the amounts
3 declared, would they be of certain importance when you
4 have prepared an index? That is to say if you believe
5 that over a period from 1946 to 1960, does that have a
6 certain importance, the fact that the items mentioned
7 under the heading as net income from liberal professions
8 have a certain tendency to be minimized in the official
9 documentation stemming from the Government?

10 A. I think this has less importance because
11 I think that the table is objective enough, despite the
12 drawbacks of the Federal statistics because the indices
13 are essentially relative in nature. I think that the
14 aim of the table is to show rather an increase in percent-
15 age, rather than an increase in absolute figures. That
16 is why I consider it as quite valid, but naturally there
17 might be certain variations in the pilots every year, but
18 this I can do nothing about.

19 Q. Would I be right in saying that the
20 only factors that might have an influence in that field
21 would be what you have mentioned, that is variations in
22 the pilot factors or increasing the honesty of professionals
23 whenever they prepare their income tax in 1960 as compared
24 to 1946?

25 A. Of course. We cannot do anything about
26 that.

27 Q. If you pass on to page 92 of the French
28 text and paragraph 223 of the English text at page 86
29 you tackle there the question of productivity. Could you
30 please define exactly, for the purpose of the Commission,



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2 what exactly you mean by this part, and this word
3 "productivity"?

4 A. Do you want a definition of
5 "productivity"?

6 Q. Well as you have used it in this
7 section of the brief.

8 A. Well productivity, in the first place
9 the general idea would be necessary in order to understand
10 the use made in the case of pilots. There is a difference
11 between production and productivity. Production is an
12 absolute figure. That is to say that we notice that by
13 a given time so many tons have been produced, or there
14 has been a yield of so many units. On the other hand,
15 productivity is a term which once more is a relative term.
16 It is a type of measure. That is to say that for X number
17 of productive units, that is hours of labour, in the case
18 of labour, well we have produced for X period of time such
19 an amount of finished units or given product, so when we
20 show that the productivity increased, for example, it is
21 always in comparison to a certain number of man hours in
22 a given period in order to reach production in absolute
23 figures.

24 Consequently this is what is called productiv-
25 ity, that is the measurement of the capacity of producing
26 during an X period of time for the same units concerned,
27 the same units of work concerned.

28 In the case of pilots, as in any study which
29 is undertaken in the field of work, whatever its nature,
30 it is always appropriate to include in that not only the



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2 variation in the income of a profession and industry or
3 give part of the economy, but also to find out if this
4 income, in absolute figures, goes hand in hand with the
5 increase in production. That is with productivity. That
6 is, ~~with~~ the number of units produced because otherwise
7 you would reach an inflationary stage. For example, if
8 the wages or the incomes go on increasing in absolute
9 figures and, on the other hand, the production remains
10 at the stable level, Naturally there you would have an
11 evolution towards the bankruptcy of a given industrial
12 sector. That is why I have done so, to complete the
13 analysis of the income, by taking analysis of the product-
14 ivity of pilots because naturally this notion may vary
15 considerably from one sector of workers to another. For
16 example, in the field of teaching that I know myself
17 particularly better, it is always extremely difficult to
18 measure the productivity or deficiency of each professor
19 at the University or each professor in the elementary
20 school or secondary school. They do not produce units that
21 may be measured. They just give a service so even in those
22 cases, nonetheless, we talk about productivity, for example,
23 to give rise to students that are better and better
24 qualified with the improvements in the pedagogical methods,
25 and so forth, and knowledge which is accumulating. All
26 these instruments help the professor to give the community
27 a better service and starting from there one can see the
28 productivity of the teaching staff increase from year to
29 year due to these factors, and others that I did not
30 mention in order to reach a certain type of index of



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2 appreciation, We add that to the total productivity of
3 the community. In certain industrial sectors, well the
4 total productivity increased by three or four per cent
5 in different sectors in each year, well we can say that
6 at least the productivity of certain sectors such as ours,
7 such as the teaching staff evolved in proportion to that
8 even if it cannot be measured.

9 In the case of pilots this is a better measure
10 of productivity than in the case of the field of teaching
11 because we have certain measures at our disposal in
12 order to establish a basis to calculate the productivity.
13 We have the number of ships piloted within a given period
14 of time. We have the tonnage of these ships. We have
15 the merchandise that is being transported and the increase
16 of the shipping traffic which may be established from a
17 quantitative basis and we can reach a certain figure of
18 productivity of X tons per pilot over a given period of
19 time and this is the course that we have followed in that
20 field in order to have a good enough idea of what is called
21 the productivity of pilots.

22 Q. In your own opinion do you think that
23 the factors you have mentioned, that is the number of
24 ships piloted, tonnage of these vessels, do you think that
25 these elements are considered valid elements in the analysis
26 of the productivity of pilots?

27 A. Naturally as I have used them, well, I
28 am of the humble opinion that these elements may count.
29 One could believe at first glance that the relationship
30 between the work that is performed by a pilot, on the small



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2 ship or bigger ship, or a different capacity ship, well
3 his work at first glance may seem to be the same.
4 Consequently, the relationship may seem to be quite a
5 thin one but one must remember when we speak about
6 productivity we are speaking in terms of results. For
7 example in industry there are some contrary cases. Whenever
8 we call on productivity of the work element this element
9 or this factor of productivity ~~is~~ ~~is~~ a result. We do not
10 add to it, do not take into account more or less the
11 great effort which has been taken by individuals who are
12 working because at times there is an increase in productiv-
13 ity due to technological progress in industry and due to
14 improved machinery which decreases the physical or mental
15 effort, but productivity speaking it is greater so we say
16 productivity of work, because there is a greater capital
17 investment, is increased so the factor of work under fringe
18 benefits or increase in wages leads from the increased
19 production so starting with this analogy, I think it would
20 be fair to use the same reasoning with the pilots, that
21 the greater number of ships, the increased speed of these
22 vessels, the greater tonnage of these vessels and finally
23 the portion accomplished by the pilot even without any
24 additional effort, although we might have certain reser-
25 vations about that will increase their productivity, and
26 I think that this is an objective measure.

27 Q. Your lordship before going on my
28 attention is drawn to the fact that paragraph 225 of the
29 English Text has certain omissions in its translation.
30 You will remember at the beginning of the work of the



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2 Commission in Montreal we had stated that the French
3 text remains the official text but we did everything in
4 our power so that there would not be any mistakes in the
5 English text. We still detect some but for the Commission
6 purposes I am going to read the French text and am going
7 to ask the interpreters to translate that as I go along
8 so the French text would be the following: "As regards the
9 Quebec Upper-Escoumains District, the number of piloted
10 vessels was 1,921 in 1945 for a total tonnage of 4,099,013
11 tons whilst it reached 6,603 in 1960 for a total registered
12 tonnage of 29,751,584 tons. Consequently, in 1945, the
13 vessels piloted from Quebec to Escoumains, and vice versa,
14 had an average total tonnage of 2,132 tons per vessel
15 whilst in 1960 the average net tonnage was 4,505 tons per
16 vessel." I notice that you have produced a table entitled
17 table 9, entitled Number of Vessels, and the net tonnage
18 of piloted vessels for the Districts of Montreal-Quebec and
19 Quebec-Escoumains years 1945-1960". This is on page 88
20 of the English Text and 93 of the French text. Please
21 tell the Commission what is the interpretation to be given
22 to this table and quote its source.

23 A. Well the source of these figures is,
24 once more, indicated at the bottom that is the Canada
25 Year Book for the year 1945 to 1962, pilotage service.
26 This kind of feature which is always shown in the Canada
27 Year Book. We have taken the Districts Montreal-Quebec and
28 Quebec-Escoumains and the reason we have chosen those
29 Districts once more is that, as I made the comment on
30 page 92 of the French text, that the Canada Year Book does



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2 not give us any figures from Montreal Kingston and Ottawa
3 before the year 1950, that is to cover the Districts
4 Montreal and Cornwall and Cornwall-Kingston.

5 Consequently, in order to have complete
6 series we have restricted ourselves to these two Districts
7 once more. What this indicates, as you see as well as I
8 do, is that the vessels for the Montreal-Quebec District
9 in 1945 were 3,623 and in 1960 10,413 and then net tonnage
10 5,973,619 in 1945 and 34,677,084 in 1960. Consequently,
11 we have had an increase in the number of piloted vessels
12 from the year 1945 to 1960 of about three times. That is
13 it has trebled.

14 In the case of the capacity, it passed from
15 five to 34, so there has been an increase of about six
16 times, six and something, nearly seven. Consequently the
17 considerable increase in the number of piloted ships and
18 what is important also to notice from the viewpoint of
19 what is called productivity, or the economic investment of
20 the profession is the average capacity of cargo, which has
21 been increased during this period of time for each vessel.

22 Q. You mention in paragraph 226 that "these
23 figures show not only considerable increase in the number
24 of piloted ships, more than three-fold from 1945 to 1962
25 for each of the Districts studied but also greatly expanded
26 average cargo carrying capacity for each piloted vessel"
27 and you add "the net tonnage almost doubled from 1945 to
28 1960 for the Montreal-Quebec District and more than doubled
29 for that of Quebec-Escoumains" so we can see that the
30 amount of the net tonnage is six -- almost a seven-fold



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2 increase. When you say that the net tonnage has almost
3 doubled, you refer to the average tonnage of each piloted
4 ship?

5 A. Yes. That figure of 5 million and
6 900,000 for 1945 and 34 million in 1960, it is the total.
7 You have to divide these by the number of ships, which is
8 increased by three times so the average tonnage, always
9 taking into account the increase in the number of ships
10 has increased but in a lesser amount that almost doubled
11 according to the District.

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2 So in fact each pilot is working on a larger
3 ship and the larger capacity, and he brings an economic
4 investment to the country just like any man with an
5 increased efficiency brings a higher product to the economy.
6 That is the fact in the case of the work done.

7 Q. If we take paragraph 229 on table 10,
8 entitled indices of the average productivity of pilots
9 for the years 1946 to 1962 and the reference being 1948
10 equals 100. Could you explain to us how you establish
11 this table?

12 A. Well, just like doing any productivity
13 index we took the number of work units which are the
14 number of effective pilots in each District over two
15 years, 46 and 48 and 50, so the Corporation -- we have
16 70.8 effective pilots in 1946 and 115 in 1962. We have
17 taken the total, net total of ships piloted by these
18 effective pilots in 1946 and we divided by the number of
19 pilots who reach the average net tonnage yearly in 1960
20 -- that average net tonnage we had put into the index
21 and we showed the increase of productivity of the effect-
22 ive pilots in the District from 1946 to 1962 and this
23 increase starts with 94.2 in 1946 and climbs to 240.6 in
24 1962.

25 Q. Before we go further, my lord, I would
26 like to draw your attention to item 60 for the Montreal-
27 Quebec number of effective pilots being 121.19. I made
28 an inquiry on this. There were 119 active pilots in the
29 District at that time and I have been informed that the
30 pilots were allowed to take over their turns, but with



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2 that system of taking over turns in the same period when
3 they made calculations at the end of the year they give
4 a larger number of active pilots, so I am going to ask the
5 Secretary-Treasurer when he comes to give this evidence
6 and ask him to explain this but I am giving it at the
7 present time because.(end of interpretation)

8 THE CHAIRMAN: It is the only time when we
9 have more effective pilots than real pilots.

10 THE WITNESS: We follow the same system for
11 Montreal-Quebec and Quebec-Escoumains and the source is
12 always the Canada Year Book and we have taken the figures
13 and put them in the index. We use the official figures of
14 the Corporation too, I believe for the year 1962....

15
16 ---Off the record discussion.

17
18 THE WITNESS: We have taken the official
19 statistics of the pilotage Districts to complete the data
20 that was necessary.

21 Q. So, if I understand you you used this
22 table in part -- at the end of the Chapter you have
23 reproduced it in graph form so we will come back to that.
24 Do you have any comments on the quantum of increase of
25 productivity of the pilots to the overall productivity of
26 pilots as regards the general increase of economy during
27 that period?

28 A. As you can see in paragraph 233 the
29 figures given in table 10 present at least an increase of
30 10% in actual productivity of the total annual increase of



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2 productivity while economists agree to conclude that the
3 total annual increase of productivity of the Canadian
4 economy to be around the figure of 3.5 or 4% each year.
5 Of course these are average figures but they are quite
6 interesting.

7 Q. Are you referring here to the Canadian
8 productivity, average productivity spread over a number of
9 years?

10 A. Yes.

11 Q. Is it not true we have years where the
12 productivity apparently was higher than 4%?

13 A. Yes, but when I was comparing this work
14 it was a general agreement of the economists that I have
15 consulted and we agreed -- it was an average figure of
16 increase of 4%. Again there is variation in short periods
17 and there are peaks and losses.

18 Q. You add in paragraph 234: Finally
19 we must point out that the number of pilots in the
20 District studied didn't increase from 1946 to 1962 in
21 the same proportion as the increase in the number of
22 piloted boats. It follows that the increase in the
23 average annual gross revenue was due not only to the
24 increased traffic on the waterways and to the larger
25 capacity of the ships, but to a considerable amount of
26 work on the part of each active pilot. Can you explain
27 this paragraph by figures in the tables that are given?

28 A. If you compare this table 9 with table
29 10 the number of piloted ships varies from 3,623 to 10,413
30 and in the two Districts that we studied in table 10 the



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2 number of effective pilots goes from 70.8 to 115 in one
3 case and in the other case it is 51.2 to 73.8 so we can
4 see according to this progress of the pilots on each table
5 that the number of piloted ships has increased by -- it
6 shows three-quarter increase with the number of effective
7 pilots and has doubled in each case. This implies that
8 the income of the pilot -- this increases the global
9 income of the pilot, but it is due to the larger number
10 of deductions allowed and to increase of pilotage.

11 Q. You said that the number was less than
12 doubled in table 10, the number of effective pilots. I
13 would believe the figure would be around 50% increase
14 annually?

15 A. Yes, especially in the case of Quebec-
16 Escoumains from 51.2 to 73.8. The increases are rather
17 small. It is about 40%.

18 Q. Now, you ended your chapter by saying
19 in paragraph 235: One final line of reasoning must be used
20 to ~~a project~~ a complete picture of the pilot situation in
21 Canada from an economic point of view and that is the
22 **state** of pilotage costs in the post-war years. In
23 paragraph 236 you refer to table 11 which is on page 90
24 of the French text and 92(a) of the English text -- 92(a)
25 of the English text. This table gives per ton pilotage
26 in the Montrea-Quebec and Quebec-Escoumains District for
27 the year 1946 to 1962. Once again could you explain how
28 you developed this table and how it should be interpreted?

29 A. Well, I think that having mentioned
30 the graduation of the income in the first part of the



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2 chapter and having compared this income with other trades
3 or professions and after having studied what I call the
4 productivity as I understand it I think that it was proper
5 to make a study of the costs of pilotage to see if the
6 productivity having increased the costs have increased
7 the costs in the same proportion or more or less because
8 usually when the productivity of a certain work increases
9 the cost of such factor also increases. There may be a
10 little spread. It all depends on the work agreements.

11

12 ---Off the record discussion.

13

14 A. I will try to remember what I just
15 said: I said we made a study of the income of the pilots
16 in absolute figures. Then we had compared with the income
17 of other professions or trades in the same industrial
18 sector, economic sector, and then we studied the increase
19 of the productivity of the pilotage services as I explained
20 it earlier. There was a third form of analysis which was
21 useful to see if the increase in productivity would
22 correspond to the increase of pilotage; in other words
23 how with this same period under study, how were the costs
24 of pilotage compared to the productivity that they just
25 studied. This is the reasoning behind what I have done.

26 Q. I am sorry, Mr. Cardin, but in your
27 earlier evidence you explained something on which I
28 would like to draw the attention of my colleagues and
29 which I think was the fact that in the industry if there
30 is an increase of productivity there is also an increase



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2 of costs. Could you elaborate on this. I think this is
3 the point my colleague has difficulty on.

4 A. If there is an increase in productivity
5 in general such increase in productivity, in the work
6 factor -- the corresponding increase of the cost of that
7 work factor -- the cost factor increases, the salary
8 increases or the benefits increase or the work period
9 diminishes. There are a number of formula which are used
10 in the labour agreements for this. There are no unions --
11 I don't say that there is no difference between where the
12 one increases and the other, but in general the costs --
13 when the productivity increases the cost increases.
14 (end of interpretation)

15 Q. Are you talking about unit costs?

16 A. Unit costs, so if you take -- I am
17 talking here of the indirect salary which tends to
18 increase. This is one of the objectives of the union,
19 to sort of lay down -- spread not too wide between the
20 increase of the productivity in labour and the payments.
21 This is one of the main objectives, to see that the labour
22 costs, indirect would be a combination of the increase of
23 productivity because otherwise then in certain industrial
24 sectors and also in the economy the nominal salary which
25 is an income ordinarily tends to deteriorate because it
26 doesn't follow with the rest of the economy. In fact the
27 share of the salary ^{the} in the economy would tend to diminish
28 if you compare it to the overall economy. That is why we
29 always try to compare these two costs. That is why we show
30 the cost of pilotage compared to the increase of productivity.



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2 It is to that end we established table 11 and we made the
3 comparison of the traffic in industrial shipping.

4 THE CHAIRMAN: We are going to look at the
5 figures and we are going to adjourn for a few minutes

6

7 ---Short recess.

8 ---Upon Resuming

9

10 MR. LALONDE: Q. In relation to what you
11 stated just before the recess, Mr. Cardin, in relation
12 now to the cost per ton for pilotage as indicated in
13 table 11, could you please make some comments as regards
14 the conclusions that could be reached from studying such
15 a table?

16 A. Insofar as the conclusions can be
17 reached in table 11, well one must try and measure in
18 a valid way the cost of pilotage. Naturally the cost
19 may be computed in total figures, in absolute figures.
20 For example we spend so many hundred thousand dollars in
21 a given year and the total five years later or two years
22 later, that it is not a measure of the cost because it
23 doesn't take into account the productivity factor or the
24 factor that gives rise to such costs.

25 Q. If I understand properly, for example,
26 somebody could read table 9 and say in 1946 it cost
27 around \$3,000.00 for pilotage between Montreal and Quebec.
28 You have a figure of \$279,425.00 in table 11 and in 1962
29 it cost \$1,725,000.00 and somebody could look at that and
30 state, for example, that the cost of pilotage has



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2 multiplied or has increased six-fold, 600% since 1946.

3 Do you think that such a statement would be valid and would
4 have true significance insofar as the cost of pilotage
5 was concerned for the ship owner, for example?

6 A. I don't think so, not only don't I
7 think so, but I am quite sure about it. The total cost
8 is expressed in the first column of table 11 from the
9 year 1946 to 1962 well, naturally, this is a figure with
10 which you can work, but we can't consider that figure
11 absolutely in order to evaluate the cost factor because
12 it does not take into account, as I stated previously,
13 the increase of productivity factor; that is to say, that
14 there were more goods produced or more services rendered
15 in proportion to this increase in the total figures. That
16 is quite important and that is all a measure in the valid
17 costs, I think, and I think I was right in doing so. I
18 believe that it was -- I had to establish these figures
19 in relation to something and this something I took it in
20 the total, net tonnage from one year, for example
21 9,747,632 in the year 1946 to 40,466,625 in the year 1962,
22 and finally we established what was called the goods return
23 costs. Whenever an industry or a company compute this
24 cost for a unit of production whether it is service or
25 cost this must be done ^{on} /a unit basis in order to find out
26 what each unit costs on an average cost. Naturally if
27 we produce 100,000 units instead of 1,000 in the course
28 of the second year it is very easy to understand what is
29 called the investment for the production of that product
30 has increased a great deal as we have a greater yield,



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2 greater output, but we must find out what each unit costs
3 and if it is not found out that the cost increases, decreases
4 or levels out, and this is more or less the same reasoning
5 that I have followed in here by stating that pilotage
6 costs pass through some such table to arrive at any total
7 in 1962. I found ~~each~~ pilot or pilots as a whole have
8 worked on ships for a given capacity in 1946 and ~~another~~
9 ~~capacity~~ in 1962 so the cost is accurate figures but if we
10 go down to the cost per ton we see there has also been
11 the increase because it is normal that in relating income
12 for a profession or industry that the income should
13 increase but we see just the same that there is a great
14 disproportion between the first total figure which is
15 accelerated and the cost considered per ton so this always
16 refers to the notion of productivity so we can see in the
17 year 19~~46~~⁵⁶ we have a cost return of ^{2 cents;} ~~1/2~~ 0.27 cents and in
18 1950 it was about 4% and this was for the Montreal-Quebec
19 District and you have a corresponding thing for the
20 Quebec-Escoumains.

21 Q. Quebec-Escoumains being 30 cents in 1946
22 to 3.6 cents per ton in 1962?

23 A. Yes.

24 Q. These figures again are official
25 figures from the Canada Yearbook Pilotage Service for the
26 years considered?

27 A. Yes.

28 Q. And according to your previous evidence
29 I understand that this cost per ton could be compared to
30 the average productivity of the pilot in order to find out



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2 if, in fact, the cost per unit if we could say so, for the
3 ship owner has increased more than the productivity or
4 if the productivity has exceeded considerably the cost to
5 the ship owners?

6 A. That is essentially it.

7 Q. Is it exactly what you wanted to do
8 when you established a graph which is reproduced on page
9 93(a) of the English text?

10 A. Page 12 in that brief is only a graphic
11 illustration of the figures that have been given in the
12 series of the prior tables, for example take the cost
13 per ton as in table 11 and on the other hand that is the
14 number of the average piloted turns for each of the
15 years under study and we have compared these two graphs
16 on the same graph with the help of what is called table
17 graph, that is on the right and left, and this is the result
18 we arrived at.

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2 Q. I notice, on the other hand, at table
3 10 increase in the productivity of 94.2 to 240.6 for
4 Montreal Quebec and from 93.1 to 257.9 from Quebec to
5 Escoumains.

6 A. This is reproduced in the absciss line
7 of the graph. I am sorry, by using the left line graduated
8 from zero to 175.

9 Q. I notice that you have not established
10 any increase in the cost per ton and that you have simply
11 reproduced on the right hand side the cost per ton in cents?

12 A. Yes, that is correct.

13 Q. Was it possible, for example, to
14 establish an index representing the increase in the cost
15 per ton from the year 1946 to 1952 in both cases or to
16 establish a percentage?

17 A. Well it would certainly have been
18 possible to establish these figures as index. I am using
19 the same base here as was used in the indexing of the
20 figures in table 10.

21 Q. At any rate, at first glance the
22 increase of 2.7 cents per ton up to 4 cents per ton from
23 the year 1946 to 1962 would represent a proportional
24 increase of around 50%. Would that be so approximately?

25 A. Yes.

26 Q. The one from Quebec to Escoumains
27 would represent an approximate increase of around 20%?

28 A. Yes, one-quarter.

29 Q. According to your experience is it
30 known to see within the industry such a great discrepancy



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2 in the increase in the productivity as regards the increase
3 in cost, that is to say once more the productivity
4 went from 95 points to 250 points while you would have
5 had an increase of 20 and 50% respectively over the same
6 period insofar as the cost was concerned?

7 A. It is possible to have such a great
8 discrepancy.

9 Q. I wanted to find out if this great
10 discrepancy was normal in the field of industry or if
11 in this case it was an exceptionally large discrepancy?

12 A. I think objectively stated that this
13 represents a considerable discrepancy as compared to what
14 is generally known about the industry or especially for the
15 union sector with the renewal every two or five years
16 of their working agreements, and immediately it goes with
17 the increase in productivity of preceding years but as you
18 will note the negotiations in that field are less rational
19 than they should be. As a matter of fact, there are so
20 many factors in their wages. I can see on an average
21 that the periodical negotiations have a certain tendency,
22 insofar as the cost of work calculated on the basis of
23 wages and other fringe benefits, have a certain tendency
24 to decrease this discrepancy with a certain time lag, of
25 course which is unavoidable because, of course, the costs
26 always increase according to the economic conditions.
27 Now certain seasonal factors within certain segments of
28 the industry; well navigation is calculated in a given
29 fashion from the other years. Here the compared graph
30 is quite eloquent about that. That is productivity has



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2 increased quite considerably if we consider the number of
3 tons per pilot over the given period of time and, on the
4 other hand, the cost per ton for the ship owners.

5 Q. I am sorry if I seem to contradict you,
6 but I would like to quote you an ~~ex~~cerpt from the brief
7 submitted by the Shipping Federation of Canada to the Royal
8 Commission on Inquiry of Pilotage, Exhibit 426, page 61
9 of the English text: "

10

11 ENGLISH

12 "The pilots make reference to a decrease cost of pilotage
13 per net registered ton of the vessels served. This is
14 a characteristic argument which has no relation to the
15 service rendered. It might be as logical to relate the
16 cost of pilotage to the cost of building the ships served
17 and such an event would undoubtedly reflect steadily
18 decreasing pilotage costs in relation to increasing dollar
19 value or building costs of vessels."

20

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22 What is your opinion insofar as that statement is concerned?

23 A. To say that this is a characteristic
24 argument, well I don't think so. At any rate I hope I
25 have been able to show, or demonstrate that it was in the
26 case in anticipation, of course. I know that in the field
27 of economics whenever we compute productivity of a group
28 or a factor, we relate of course necessarily the result
29 of the work that is produced. That is the produced unit
30 or the value of the service rendered to the cost. Well



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2 if we make a comparison between the productivity calculated
3 on a basis of per pilot, average ton per pilot annually,
4 well I think that this is valid for some cases I gave
5 beforehand because, after all, one must always work in
6 accordance with the subject matter.

7 I agree that for certain segments of the
8 economy the relationship is difficult to establish between
9 what is actually done and what it cost because it is
10 difficult to establish a quantitative basis because
11 certain industries themselves -- the ship, in the case of
12 pilotage -- one must have to base one's assertions upon
13 some activity and that this something is the number of
14 net tons, registered tons on vessels which are piloted
15 and this is the service of the pilot. Even if the pilot,
16 of course, performs perhaps the same work on an average
17 as the work that he performs on a smaller vessel, nonethe-
18 less, the result of that same effort by the pilot is more
19 considerable on larger vessels and faster vessels and
20 necessarily a worker with improved machinery or equipment
21 has the right to receive a certain share of the increased
22 productivity of that equipment because he is working with
23 that equipment and this is part and parcel of this result
24 so I think that in the case of the study, this is perhaps
25 the best possible relationship to establish in order to
26 try and obtain a concrete idea about the whole case.

27 Now so far as relating the cost of construction
28 or piloted vessels, I think this is more or less, a kind
29 of, not a joke but something of the sort instead of a
30 true argument because the relationship does not exist.



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2 Q. Now if you look once more at table 11,
3 which has been filed, do you think that upon examination
4 of that table you would be able to reach the conclusion
5 that the cost of pilotage on the St. Lawrence has increased
6 in a spiral?

7 A. Well of course this is quite a good
8 image. This means that the increase has been fast and on
9 a constant basis but if we look at the figures, I cannot
10 say that this increase was a very fast one because the
11 graph in the preceding tables are, to my own mind, quite
12 eloquent about that.

13 The cost per ton studied alone for a period
14 extending for the years 1946 to 1962, that is for about
15 15 or 16 years, well this is not excessive, that is 0.027
16 and .040, which has not doubled but the increase was of
17 about 50%.

18 On the other hand, the productivity per pilot
19 has increased by about -- from 94 to 230 or 240 so of
20 course this has more than doubled so it is a considerable
21 increase. Consequently, I cannot say that the increase
22 was a spiralling increase or a very fast increase.

23 Q. Once more I am sorry if I get back to
24 that point again. If somebody was studying the second
25 column of the table 11, and once more tried to compare
26 279,000 to 1,725,000 dollars, wouldn't he be justified
27 to reach the conclusion that the cost of pilotage has
28 increased very fast?

29 A. He would be justified if he took these
30 figures at face value but this is what I tried to demonstrate



1 FRENCH

2 previously. One must have a certain type of figure in
3 order to establish the relative aspect; one would have
4 more service, would transport more cargo, naturally the
5 disbursement is greater if we consider the report with
6 each unit produced or transported we get more ~~proportions~~.
7 When we are talking in the field of ~~proportions~~, we are
8 talking of costs that are not absolute figures. This
9 ^{not} would /mean anything.

10 Q. Are you saying the comparison that I
11 tried to establish by referring to this second column
12 in table 11 is not valid?

13 A. You mean to say that from 279,000
14 to 1,700,000, that this increase is a spiralling one, I
15 don't think this would be valid because once more these
16 figures are absolute figures which have no value as such;
17 cannot be compared because there are other factors that
18 must be taken into account such as, for example, volume of
19 cargo or merchandise or goods sold or the number of
20 tonnage of cargo to be transported and all these factors
21 must be taken into account in order to value the true
22 increase of the cost.

23 Q. We are going to go back one chapter
24 entitled Chapter 3 of the brief submitted to the Commission
25 by the Federation of the St. Lawrence Pilots. This brief
26 has to do with the working conditions of pilots. Before
27 asking questions to the witness, your lordship, I would
28 like here once more to make a few corrections as regards
29 table 1(b) on page 61 of the French text and page 60 of
30 the English text.



1 FRENCH

2 In the first place I would like to explain
3 that we had, as you may remember, produced this document
4 under pressure last June when everybody thought that we
5 would start presenting our evidence about it on the first
6 or second of July and this explains why at that time it
7 was impossible for us to cross-check and there was a mis-
8 understanding in the transcription for the printing of
9 this document and now we have done the cross-checking and
10 we found out that there were certain mistakes. Now if you
11 take the third paragraph entitled "effective time of trip
12 between the real hour of departure and the hour of
13 arrival of the ship, the figures given against this
14 paragraph should be modified in the following manner:
15 32.65 should be 34.03. 34.01 should be 32.26. 25.56
16 should be 25.25. 31.07 should read 29.12 and 31.03 should
17 read 30.36 and the figure 12.38, the last one on this
18 list remains as such, no change.

19 Moreover, on the 6th paragraph the figure 31.92
20 under Port of Montreal should be completely stricken off,
21 having been inserted erroneously in that text and note
22 number 1 at the bottom of the page should have relation
23 to the figure 12.38 against paragraph 3 and under Port
24 of Montreal. If I may, in the French text paragraph 7
25 reads: Time elapsed between final hours of departure and
26 hour of arrival at the station. This correction has to
27 do only with the French text. It seems that the typist
28 may not have the necessary type of correctors on her type
29 and did not make the correction. Anyway this has nothing
30 to do with the English text, only with the French.



1 FRENCH

2 Insofar as the rest is concerned, your lordship,
3 it was impossible for us to find other mistakes. I will
4 leave that up to my colleagues.

5 Could you please, in the first place Mr.
6 Cardin, give us the general idea about this chapter number
7 3. Have you yourself written that chapter? Prepared it
8 yourself?

9 A. I drafted this chapter. I wrote that
10 chapter but now starting to use as a basis the inquiries
11 made in table 1(a) and table 1(b), these inquiries I did
12 not make myself but the result, the statistical results
13 of these inquiries were given to me and I analyzed them
14 in the text of the chapter.

15 Q. Could you please tell us under whose
16 direction, in particular 1(a) and table 1(b) have been
17 prepared?

18 A. They have been prepared under the
19 direction of Mr. Jean Marie Martin.

20 Q. Is it's the same Mr. Martin who was
21 beforehand a Dean of the Faculty of Social Science at the
22 Laval University?

23 A. Yes.

24 Q. Did you have an opportunity of dis-
25 cussing the preparation and the content of these tables
26 with Mr. Martin?

27 A. Yes.

28 Q. Could you tell us in general terms the
29 primary objective of that chapter that you have practically
30 all written, with the exception of the preparation of



1 FRENCH

2 tables 1(a) and 1(b)?

3 A. Well in brief, the main objective was
4 try and describe as completely as is possible, and as
5 comprehensive as possible the working conditions of pilots,
6 the physical conditions of work of pilots. In terms of
7 that objective to give, first of all, a description and
8 an idea of the hours of duty in order to indicate or
9 situate the context under analysis and starting from that
10 point indicate what was the nature or the character of
11 that work as such, ~~this~~ character of stability or
12 instability itself, insofar as the hours of work are
13 concerned, the climate, the different circles. In other
14 words, to give the best possible idea of what is exactly
15 a task of a pilot.

16 Q. I notice that in this chapter you
17 speak in particular about the hours of work of pilots. On
18 the other hand, the pilots contend in that brief that
19 they have a professional status, or that of a contractor.
20 Could it be said that it is rather abnormal to analyze
21 the duty of a contractor, semi-professional or professional
22 person in terms of working hours?

23 A. I am sorry could you please repeat
24 the last part of your question ?

25 Q. Is it not rather abnormal to study the
26 activity of the professional man or the contractor in
27 terms of working hours?

28 A. Yes. At any rate, I have indicated
29 that in paragraph 157 that in the case of the profession,
30 or any other profession where people are their own boss,



1 FRENCH

2 or in the case of salaried profession, such as that of a
3 University Professor or other professions of that type,
4 that is quite abnormal to base an analysis of such task
5 on the computation of X hours work accomplished in the
6 course of a year, a week or a day, because of course, these
7 are professional services which in the case are computed
8 according to the value of the service independent of the
9 time in hours or minutes that it may take such a man, on
10 action. It is extremely difficult and we have that as
11 a principle, which you have just mentioned, but we always
12 have added to that the practicals, practical difficulty
13 of computing systematically and accurately the number of
14 hours that people, belonging to certain professions,
15 take in order to perform their duty. This is an imponder-
16 able. Naturally I have established that argument at the
17 beginning, and that is why I indicate that I was not
18 going into the details of effective hours of work but as
19 a principle it would be useful to start at least in the
20 approximate study of the actual hours of pilotage because
21 of possible objectives. Well in table 1(b) I try to arrive
22 at the most possible approximate idea of a certain number
23 of hours of work in a given period of time. I wanted to
24 make these comments at the beginning to establish as a
25 principle that normally in a case of liberal professions
26 or contractors or independent persons, persons who render
27 a service, it cannot be calculated quantitatively. It
28 is very difficult to establish, in terms of hours and
29 this cannot be done I think with pilots belonging to that
30 same type. Nonetheless, we tried to state fully this



1 FRENCH

2 argument. We try in that table with the help of an
3 inquiry that has been made quite seriously, we tried at
4 any rate to establish the figures which indicate an
5 average week of work for pilots.

6 THE CHAIRMAN: We are going to have another
7 short recess.

8
9 ---Short recess.

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1 FRENCH

2 ---Following short recess.

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4 Q. If we now tackle the more detailed of
5 these analysis, I notice in paragraph 140 on page 53 of
6 the English text: After having stated the pilots must
7 be continuously present at his working position he must
8 be attentive at every moment, you end at the end of the
9 paragraph that in contrast with the majority of other
10 professions and the number of paid occupations in different
11 sectors of activity he is granted no respite from
12 embarkation until the end of the trip. Could you please
13 explain to the Commissioner what you mean by that statement,
14 particularly do you imply by that the the pilot is
15 constantly on duty. In other words is constantly giving
16 orders and so forth?

17 A. No, not at all. What I simply wanted
18 to mean there, and perhaps the expression is rather
19 strong one, but the idea would be the following: In most
20 segments we have what is called in French certain rest
21 periods and in English a break-off, coffee-break, in other
22 words it is certain periods of time during which no work
23 is done and where one has an opportunity of doing certain
24 things one wants which one wouldn't do at work. So, in
25 the case of pilots, to my knowledge, they don't have any
26 such break-offs or certain coffee breaks or certain periods
27 of time without relaxing exclusively. This doesn't mean
28 the pilot is constantly working, giving orders, being on
29 onus or actually performing certain duties, but in other
30 words he is to assume the responsibility from the beginning



1 FRENCH

2 to the end of the trip for the length and duration of that
3 trip.

4 Q. In paragraphs 142 and 143 you underline
5 the fact that a pilot must adapt himself to different
6 working circles very fast and very frequently and this
7 renders his task more difficult psychologically speaking.
8 You mention this in paragraph 143. In industrial
9 psychology would that be a factor taken into account and
10 which would have a certain importance?

11 A. Yes. Well, in industrial psychology
12 of the factor/~~regular employment~~ or the stability factor in the
13 assignment or working conditions, the factor of constant
14 environment for the working conditions would mean, with
15 any given department -- this would be a very important
16 factor because as you know as well as I do that once
17 there is a certain psychologic adaption or another type
18 of adaption to which a worker must try to get and whenever
19 human physical conditions within which he works have
20 been stabilized, for example the team members or one thing
21 or another, the rate of production then goes on a normal
22 fashion, smoothly. That facilitates greatly or rather
23 decreases greatly the attention that one must give to
24 the work to be accomplished, and this work is done as well
25 because there is a certain stability, certain something
26 which is gained by automatic type, automatic aspect which
27 is an attitude to the work so this is a factor that
28 attention is decreased and stabilized, but in the case of
29 pilots, it is very well understood that they remain pilots
30 whether they board one ship or the other, but one can



1 FRENCH

2 suspect at any rate that each vessel, and as we indicated
3 earlier, each vessel is a world by itself with different
4 customs, different psychological attitudes that may change,
5 and this is a human viewpoint, but from the physical
6 viewpoint you also have to cope with climatic conditions
7 to negotiate which also change and you also have the
8 traffic and you also have all types, environments or
9 conditions which decrease as experience increases in the
10 field of pilotage. One can say a long period being used
11 to go from one vessel to another and to adapt better to
12 one vessel rather than another, but nonetheless physically
13 speaking and humanly speaking one knows it is a constant
14 readaption to work, and we know the industrial psychology,
15 it is more or less unrest, unrest or tension, but I think
16 in the field of pilotage, as I know it it seems to be that
17 this factor should be taken into account because really and
18 truly the changes are very frequent and quite varied.

19 Q. You have mentioned in your answer
20 another factor Mr. Cardin which you haven't elaborated
21 but which you stress in the brief starting with paragraph
22 144. You mention in paragraph 144 "the work of the pilot
23 considered by itself comprises an absence of regularity
24 which merely adds to the instability of the conditions
25 under which the profession is exercised". Would you
26 please elaborate on this irregularity aspect and once
27 more what these would entail at the level of your knowledge
28 in the field of industrial psychology or industrial
29 relations, generally speaking?

30 A. Well, it is a factor that is basic in



1 FRENCH

2 the career of a pilot, that of unstability and necessary
3 readaption according to the human physical factors.
4 Regularity is a most important industrial element. To
5 show this is important take two jobs that may not require
6 more competence one than the other and which are paid on
7 the basis at the same level, one may consider a great
8 advantage than the other and would constitute a type of
9 promotion due to the fact that the hours of work have
10 gone outside the regular conditions of the other task
11 because the organism and the temperament of a person gets
12 used to a certain type of work. For example a person
13 who works for a period of time at night -- naturally
14 night work is more difficult than daytime work, and
15 usually there is a certain difference or preference that
16 is given for night work in the collective agreements,
17 but the human body gets used to that rate of work or night
18 work and if you go from one ship to another, from night
19 to day or day to night or inbetween, well, out of
20 necessity the absence of regularity and the type of work
21 is still another element that must certainly be taken
22 into account in the total absolute evaluation.

23 Q. To your knowledge this is a factor
24 to which a great deal of importance is given in the field
25 of industrial relations?

26 A. Yes, this is a factor to which we give
27 a great deal of importance. I think we have here an
28 example of two tasks that may be available and there are
29 certain people who prefer to have regular hours from nine
30 to twelve and from two to twelve, and then their results



1 FRENCH

2 will be slightly lower in spite of having to work on
3 regular hours. The regularity of the working hours and the
4 times of work is extremely important a consideration in
5 order to proceed to any task evaluation.

6 Q. Do you know that at times one has a
7 certain tendency to establish comparisons between the work
8 of the pilot and let us say the work of a ship's master
9 or mate on board a ship. Do you think this factor of
10 irregularity in the work of a pilot which you have
11 mentioned would bring about certain restrictions to this
12 comparison that we have a certain tendency to establish
13 normally?

14 A. I would say, yes, because if we study
15 the official publications, for example, wages, remuneration,
16 hours of work in Canada, if we study the collective
17 agreements of seamen at whatever level they are of the
18 hierarchy of personnel we see after a certain number of
19 hours that the working conditions have been sort of
20 getting to some regularity, for example if we take the
21 publication of the year 1961 of the D.B.S. it is indicated
22 clearly that the ship's crews work on a regular eight
23 hour shift on a regular basis and that normally there is
24 no work overtime that they are working, and consequently
25 you have a forty-hour week so there is a kind of regular-
26 ity established in the work shift and it is only in the
27 case of emergency that overtime is asked for, so for a
28 good many years, according to these indications we can
29 certainly suppose that the regularity of the rate of work
30 is stronger in this field than it would be for pilots.



1 FRENCH

2 Q. If I understand you this irregularity
3 of the work added to the factor that you already mentioned
4 of the necessary adaption are two factors which are of
5 such a nature, two factors to be taken into account in
6 the industrial psychology field?

7 A. Yes.

8 Q. I see that from paragraph 149 and the
9 following you refer to inquiries made with the pilots in
10 1962. We have a title related to the climatic conditions
11 and then there is another one which is the Analysis of
12 the average weekly hours of work of the pilots. Could
13 you explain briefly to the Commission how these inquiries
14 were made? I understand that you didn't have the
15 full responsibility of the inquiries and if the Commission
16 could have the direct witness, that the present witness
17 is related to this analysis and he could give evidence on
18 it?

19 A. Well, this inquiry was made as you
20 mentioned for the year 1962, the inquiry was made of
21 various Districts of the St. Lawrence. I think that of
22 the Upper St. Lawrence -- well, the first people giving
23 answers were taken at -- with a random sample and for
24 the Upper St. Lawrence a ratio of answers were approximately
25 40% of the group that were required to answer. In the
26 Lower St. Lawrence and Mid St. Lawrence the ratio is
27 approximately 20% of the group under study. I believe
28 that there was a population factor to be taken into
29 account. The statistic population was higher in the
30 Lower St. Lawrence District and lower in the Upper



1 FRENCH

2 St. Lawrence District. This is why we have taken a larger
3 sample in the Upper District than in the Lower District.

4 Q. Well, to use the terms that have been
5 before
6 used before, ~~f~~^r this Commission, when you were talking
7 about the Upper District you mean Cornwall and Kingston
8 and when you talk about the Lower St. Lawrence you mean
9 Quebec and Montreal?

10 A. That is right.

11 Q. I am sorry to have interrupted you
12 but it was a terminology matter. A. So it was a random
13 sample. The population of the Upper District, I think
14 this had to be related on a statistical basis because
15 when ~~thng~~ ~~worksd~~ with similar numbers it is important
16 that a sample be more representative and it would represent
17 a higher ratio of the population. In these statistic
18 fields this is the way we proceed.

19 Q. Could you say if the Montreal Harbour,
20 if the ratio which was used was larger?

21 A. For the Montreal Harbour we took the
22 full group. We took all the population. We questioned
23 all the pilots because they are a small group.

24 Q. But to your knowledge in the Quebec
25 and Montreal District did you take into account the fact
26 that pilots were split into various categories?

27 A. Yes, we took into account that the
28 sample could be divided into classes of pilots and the
29 sample was then -- we had a certain ratio for that and
30 we eliminated the pilots which wouldn't be representative
in the sense that they would have fictitious trips.



1 FRENCH

2 Q. What do you mean by fictitious trips?
3 You have in mind the President and the Board of Directors?

4 A. Yes.

5 Q. Once you have chosen your sample could
6 you explain to us how you collected the information?

7 A. We sent a questionnaire with the
8 explanation and we received the answers according to the
9 different items of the questionnaire. This, of course --
10 do you want me to explain how the questionnaire was
11 established?

12 Q. You have the instructions that were
13 sent, a copy of the instructions that were sent, a copy
14 of the instructions that were sent to the pilots together
15 with the questionnaire?

16 A. Well, I don't have them here but we
17 sent instructions.

18 MR. LALONDE: My lord, I would like to file
19 as a group a copy of a model specimen of the forms used
20 in the various Districts, Cornwall, Kingston, Montreal
21 and Quebec and the special form used for the Montreal
22 Harbour, and also a copy of the instructions "How to fill
23 out form" annexed to the documents.

24 THE SECRETARY: That will be Exhibit 767.

25

26 ---EXHIBIT NO. 767: Model specimen of the forms used in
27 various Districts, Cornwall, Kingston,
28 Montreal and Quebec, also special form
29 used for the Montreal Harbour. Also
30 copy of the instructions "How to fill
out form".

MR. LALONDE: Q. I note that one of these



1 FRENCH

2 forms has been cut with a knife and one word is missing.

3 If I can get a better one I will replace this sheet. To

4 your knowledge were these the documents which were used

5 to compile these statistics, the regulation statistics?

6 A. Yes.

7 Q. I think I see that the first statistic

8 table related to climatic conditions on this Exhibit which

9 is part of Exhibit 767?

10 A. Yes.

11 Q. Item entitled Conditions of work. It

12 says State work conditions by the following letters: B:

13 Fog; F: Frazil; G: Ice; N+1: Snow; NN: Dark night;

14 P: Rain; V: Wind; and all other conditions by the

15 letter X. So it is from those documents that you

16 established table 1(a)?

17 A. Yes.

18 Q. Could you tell us if the information

19 included in this table covered the full year of 1962 or

20 if in some cases the information applies only to part of

21 the year? I would like to know if these documents were

22 filed for the whole year by the pilots or if in some

23 Districts they applied only to part of the year?

24 A. In the Lower St. Lawrence the winter

25 period is not included. For the Port of Montreal it is

26 the period April 2nd to December 24th, 1962 so it

27 includes some period of low activity and on April 2nd

28 there would be not much activity and in the early days of

29 December the activities are pretty low, for this reason

30 the average came down.



1 FRENCH

2 Q. Could we take table 1 on page 59 and
3 we take this District. We first notice that Kingston-
4 Cornwall, what is the date?

5 A. 4th of June, to December 3rd.

6 Q. Cornwall-Montreal?

7 A. 16th of April, 10th December.

8 Q. Central St. Lawrence, Montreal-Three
9 Rivers?

10 A. End of March, 21st of March, 17th of
11 December.

12 Q. And Three Rivers, Quebec?

13 A. 4th of June, December 17th.

14 Q. Lower St. Lawrence, Quebec, Escoumains?

15 A. 11th of June, 10th of December.

16 Q. Port of Montreal?

17 A. 2nd of April, 24th of December. These
18 are the periods which we used for the different Districts.

19 Q. It would seem then that this would explain
20 the differences in the number of trips, in the number of
21 trips as for two comparable Districts alike: Kingston and
22 Cornwall you have 242 against 557?

23 A. Because the period in Cornwall,
24 Montreal is longer than for Kingston, Montreal. That is
25 why we have 242 for Kingston-Cornwall, and we have 557
26 for Cornwall, Montreal.

27 Q. Do you have any comments to make about
28 the history of this statistical data on table 1(a) on
29 page 56 of the English transcript and page 59 of the
30 French transcript?



1 FRENCH

2 A. Well, I could comment in the following
3 manner: First this table is rather -- gives rather an
4 indication -- it is not a mathematical tabulation. One
5 must recognize that when the questionnaires are filled
6 there is a certain percentage of personal appreciation
7 which comes into play when one proceeds in a different
8 way. For statistical inquiries we have to trust to the
9 figures. There is, a certain amount of ~~parallelism~~ and it
10 is for this reason this table is of value as an indication
11 rather than a purely mathematical figure, and there is
12 one thing I want to stress and that is it gives a fair
13 idea of the situation described and if it was only for
14 that value I think it contributes something.

15 Q. So, could we say that it has to be
16 treated with some reservations as purely scientific?

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1 FRENCH

2 Well you have some quantitative factors. How
3 are you going to judge a certain climate or certain temper-
4 ature at a certain time? Well there is more a qualitative
5 judgment than quantitative judgment. These figures give
6 an indication and are not necessarily fully correct but
7 I think it gives a fair value because the sample as
8 studied was done correctly.

9 THE CHAIRMAN: I think that the questions that
10 we are putting to the pilot would help, what do you consider
11 as a day trip and a night trip?

12 MR. LALONDE: My lord, the figures already
13 produced by the Ministry at the request of the Commission
14 give us an example and the counsels themselves had to
15 define what is a day trip and what is a night trip.

16 Q. Would you like to make any other
17 comments on the content of this table?

18 A. Well for example, for the item fog
19 you have 15.2% for the total number of trips Kingston-
20 Upper Cornwall; 7.9 for Cornwall-Montreal. This may
21 seem really excessive for a difference between the two,
22 but you have to note that for the full length of those
23 two Districts there is a distance of about 200 miles and
24 one is on the river itself and the other one opens on
25 Lake Ontario and there is certainly an explanation to the
26 fact that for the Kingston-Cornwall sector you have a
27 larger percentage answer showing for the Cornwall-Montreal
28 District. This, as I say, is only an index, then you
29 have the fact that the season for Kingston-Cornwall was
30 shorter and it may happen that there was more fog at that



1 FRENCH

2 time.

3 Q. But the facts that for Kingston-Cornwall,
4 even with the 40% sample which would be pilots in the
5 District, you also have a margin of error which would be
6 higher than in other Districts where even with a 20% sample
7 you had a large number of people. A: Yes you always have this
8 problem when making statistical inquiries. The size of
9 the population statistics, the rate of the large number in
10 such districts, as in this case, has an effect which applies
11 more or less because we have a small population here in
12 Kingston-Cornwall which invalidates in particular some of
13 the data, even if statistical. This is the best we can
14 do to ~~effect~~ the percentage. This is fully valid. I
15 think it is better than in some other inquiries which take
16 on the one and a half or one per cent of a large population
17 which is not fully representative but still statistically
18 it is considered as valid and here we take a higher
19 proportion even if the proportion studied was small and I
20 believe that this still gives a good indication.

21 MR. LALONDE: My lord, I am going to take
22 table 1(b), and I wonder if we can postpone this until
23 tomorrow?

24 THE CHAIRMAN: Yes. The meeting is recessed
25 until tomorrow at ten o'clock.

26

27

28

Therefore the hearing adjourned to Thursday
October 10th, 1963, at 10 o'clock.

29

30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL, QUE.

VOLUME No.:

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal, Quebec,
on Thursday, the 10th day of
October, 1963

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith	Member
Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild.
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada.
Mr. J. Mahoney	for the Dominion Marine Association.
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid- St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corp- oration of the Upper St. Lawrence Pilots.



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* * * * *



1 FRENCH

2 ---upon commencing at 10.00 a.m.

3
4 DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

5 Q. Mr. Cardin, yesterday when we adjourned
6 we had reached table 1(b) on page 61 of the French text
7 and page 60 of the English text. Could you explain to
8 the Commission if the periods which are covered by these
9 statistics in each case, are the same as the ones
10 applying in the case of table 1(a)?

11 A. Yes, the periods are the same.

12 Q. Could you repeat them for each group?

13 A. For Kingston-Cornwall it's 4 June,
14 3rd December. For Cornwall-Montreal it's 16th April,
15 10th December. For Three Rivers-Montreal, the end of
16 March to the 17th of December. For Three Rivers-Quebec
17 4th of June, 17th of December. For the Lower St. Lawrence
18 it's 11th of June, 10th of December. For the Port of
19 Montreal, 2nd April, 24th December.

20 Q. Would you have any remark to make as
21 regards the information contained in this table?

22 A. Well first the time has been calculated
23 on an hourly basis and it has been split up as between
24 the different stages of operation. For example, you have
25 the time elapsed between the hour of call and the official
26 hour of departure, and for the other stages, I don't have
27 to state them explicitly. You have them in front of you.
28 They explain how the time is shared according to the
29 different stages and according to the questionnaire which
30 was filed yesterday.



1 FRENCH

2 Q. All the information included in this
3 table, is it extracted from the forms filed yesterday?

4 A. Yes.

5 Q. Would you repeat the last question
6 please?

7

8 (French reporter repeats last question and answer)

9

10 Q. Now would you have any comments to
11 make as regards the validity of the importance to be
12 given to the information stated in this table?

13 A. Well this table has been arrived at
14 by following the method I explained yesterday. From the
15 point of view of the sampling, I believe that it is valid
16 as far as the method is concerned, the method of sending
17 the questionnaire, and so forth but as I say, there is
18 a subjective part to the appreciation of a number of
19 factors, but, in any case I believe this gives a good
20 indication of the general situation except that against
21 what I said, I must state that this table could be mis-
22 taken by people who would just glance at it because these
23 figures are only averages, which tend to give an equalized
24 idea of the working conditions. Where they say as a
25 whole they spend -- in such and such a District they
26 spend seven hours between the hours of call and hours of
27 departure, in fact these figures attempt to equalize and
28 minimize the two extremes which are proper to the work
29 of the pilot as far as the trend of work is concerned
30 because this is an average, which has been established on an



1 FRENCH

2 hourly basis, weekly collective basis, and then for
3 a number of weeks, number of pilots x and these final
4 figures do not give a true idea of the fact that on
5 certain days the total number of hours in a certain
6 period, or any certain set of circumstances which happened
7 all at the same time. It is very difficult to explain
8 but it does not give an idea of reality in the way the
9 service is furnished.

10 This is why I think it is very useful to
11 mention this because of the difference in time between
12 the official hour and the hourly hour of departure, well
13 all the physical circumstances which happened at certain
14 times. There is a compression of the hours. In other
15 words, there is a spreading of the period. This cannot
16 be taken into account here. I don't know if you can
17 explain it any better. I think you understand me.

18 Q. Well if I understand you correctly,
19 this average that you arrived at does not take into
20 account the physical character of the service given for
21 a certain week or within a certain season?

22 A. Yes, exactly, because this may be for
23 a full season, for a number of weeks. Accordingly, these
24 figures could, at first glance, could mean that it has
25 been equalized regularly over the weeks; that there were
26 peak periods where ^{was} ~~there~~ concentration of work and other
27 periods where there was a spreading of the efforts. That
28 is why these figures tend to equalize.

29 Q. I note that you have the information
30 for the Port of Montreal in table 1(b). Could you explain



1 FRENCH

2 this? I know that we filed yesterday an Exhibit which
3 was giving the formula of the calculation which was
4 slightly different?

5 A. Well I might have some corrections
6 to make to the years, but not to the statement as such,
7 but I said that when the questionnaire was established,
8 in view of the small number of pilots for the Port of
9 Montreal, the small number of the population statistics,
10 we have taken the whole as a sample but it is true that
11 is the way we give it, but the answers to the questionnaire
12 were that two pilots gave the answer for the full year,
13 and others gave answers only for the period for the
14 second and thirtieth of October or sixth April to
15 thirtieth August, so in fact -- well, according to the
16 method employed, it is true the questionnaire has been
17 sent to all the pilots. We have not taken a sample for
18 the sending of the questionnaire.

19 Q. Now does the fact that the number of
20 people answering, when the number is very small, does
21 that diminish the validity of the information? Only two
22 people over sixteen give an answer for the full year.
23 That gives you a ratio of one over eight. Does that
24 tend to invalidate or reduce the value of the information
25 received for that grouping in particular, in the sense that
26 ^a you have/choice, that you have as answers for a very
27 small population statistics, you have a ratio of sixty
28 ^{of error} per cent, so the margin/could increase if you had that?

29 A. Well I am not a statistician by trade,
30 but I can say that the percentage that you mention is



1 FRENCH

2 certainly valid as such because some samples are much
3 smaller than these, especially if the article and total
4 numbers increase, but in a case like this, I believe we
5 have to consider the result with a little more caution
6 than if we have had a larger number.

7 Q. I note that this table was established
8 in terms of weekly hours of work, and that included in
9 that is reference to the number of trips accomplished
10 during a week or during weeks, and I think that yesterday
11 you explained the reasons that led you to use such a
12 table in this chapter. I think you repeated this in
13 paragraph 156 when you say: "It appears to us that such
14 an approach is necessary before this Commission in order
15 to do justice to the examination of certain opinions on
16 the subject, and to permit a number of interesting
17 comparisons with other sectors of activities and occupa-
18 tions." And later on you make a number of reservations as
19 far as the application of such a rule. This calculation
20 of the work time is made for other professions. Now
21 would you like to draw attention to other points as far
22 as table 1(b) is concerned. I think in paragraph 162
23 and 163 you already mentioned a number of things?

24 A. Yes. If we interpret the results of
25 table 1(b), we note that some appreciable differences
26 exist for each of the Corporations comprising the inquiry,
27 between the time for the trip itself, that is to say from
28 the time of embarkation, and the departure of the ship,
29 hour of arrival at the station and the time elapsed from
30 the moment the pilot is called until his return to his



1 FRENCH

2 house, that is why we split it into the different stages
3 so that anyone could see the very big differences that
4 exist between the different manners of calculating the
5 time.

6 I don't know if I should go deeply into the
7 details of this. We have-- on this table from the
8 first paragraph, time of hours of call and official
9 hour of departure, we have split this in a number of
10 sections and the averages tend to add one to each other
11 to reach a certain number of hours x per week total over
12 all the different stages in the work cycle of the pilot.

13 For example, in paragraph 5 "Time elapsed
14 between the official hour of departure and the hour of
15 arrival at the station" that is in fact two, three and
16 four which are included in this figure because this has
17 been split between the official hour and the real time
18 and the effective time of arrival at the station and
19 arrival of the ship, so that you have three stages which
20 in fact are all taken in paragraph 5.

21 Now in paragraph 165 I think I mentioned that
22 if we add all these different stages one to each other
23 to include not only the effective time of the trip but
24 also the official time of departure and also the time
25 necessary for a certain number of adjustments, then the
26 time to go from the station to the house and the waiting
27 time, all these different stages which are mentioned here,
28 I don't have to repeat them, if you compiled all this,
29 you come to a work week with the hours I mentioned yesterday
30 which could amount to 80 hours and 31 minutes for Three



1 FRENCH

2 Rivers Montreal and ~~for~~ Quebec 90 hours and 6 minutes.

3 Well of course, this seems very extreme but
4 all this time is taken to do the work. It is not only
5 the trip, as such, but it's all the different times which
6 are necessary to do the work and I have reduced this to
7 another figure which is a little inferior, but it is very
8 true. This is the real picture of the work done. It's
9 on number 7, paragraph 7, time elapsed -- not, it's
10 paragraph 8 "Time elapsed between the official hour of
11 departure and the hour of arrival at the station after
12 debarkation, plus the time required for the movage of the
13 ship or the adjustment of the compass plus the duration
14 of the transportation. Well I ~~think here~~, we have a real
15 measure of the time really accomplished by the pilot for
16 his work and it is about the same thing in other districts.

17 Q. Is this what you have mentioned in
18 paragraph 169: "The most equitable measurement consists
19 of calculating the time elapsed between the official hour
20 of departure and the hour of arrival at the station after
21 debarkation, plus the time required for the adjustment of
22 the compass or the movages of the ship. To this must
23 be added the transportation time for the pilot to and
24 from his home, as well as the time spent waiting at a
25 station outside of his home District"?

26 A. That is just what I was saying. This
27 figure of 90.06, which is very high in my humble opinion,
28 would be the correct figure to take to show the real time
29 worked. Now even if we do not take into account the
30 waiting time outside the home District, and only consider



1 FRENCH

2 the time elapsed between the official departure of the
3 ship and the arrival at the station after debarkation,
4 as well as that of the movages of the ship and the
5 transportation to and from, this gives us an average work
6 week ranging from 35.31 hours-minutes for the Three Rivers
7 -Montreal to 40.18 for the Kingston-Cornwall, while these
8 two paragraphs, that is 8 and 9 of the table are the two
9 main periods which have to be taken into account for the
10 compilation of the work period.

11 Q. And I see that later on in this
12 chapter you produce a number of tables, in particular on
13 page 67 of the French text and 64 of the English text.
14 You present a table 2 entitled "Regular Weekly Hours of
15 Work in the Manufacturing Industry in Canada, May 1960."
16 Could you explain to us the objective of such a table and
17 how to use it in connection with table 1(b) already
18 analyzed and filed?

19 A. First, the source you have it at the
20 bottom, it is Study of Working Conditions made by the
21 Economics and Research Branch of the Department of Labour
22 of Canada. This is to have a measure of comparison over
23 the average work time in the other sectors of the economy
24 in Canada. You have here non office workers section, which
25 are the blue collars as such, and you have another section
26 office workers which are the white collars. You have
27 here the percentage, the official percentage, 40 hours
28 or less, 70% of the workers, of the manual workers are
29 in this category, 70% are working less than 40 hours a
30 week and then you can see the different figures, the



1 FRENCH

2 percentage corresponds to all different categories, the
3 number of hours of work from 40 to 44, 44, 45 and then you
4 can note that 90% of these workers enjoy a five-day week
5 and for the office workers 27% work less than $37\frac{1}{2}$ hours
6 a week, 43% work $37\frac{1}{2}$, this is negotiated and nearly all
7 these employees enjoy a five-day week, sometimes less.
8 This is to show that in the traditional sectors, like the
9 manual workers where the week tends to be relatively
10 longer than the professional sectors, well the number of
11 weekly hours worked, this compares very favourably with
12 the analysis made in table 1(b), that is the number of
13 hours worked by the pilots. I think this is very necessary
14 to make this comparison to throw some light on the
15 discussion.

16 Q. And then you produce on page 69 of
17 the French text and 66 of the English text, you produce
18 a table 3 entitled "Average Weekly Hours of Work in Canada
19 and in Quebec from 1945 to 1961. Manufacturing Sector."
20 And once more could you please tell us what is the purpose
21 of that table?

22 A. Well the purpose of that table is to
23 indicate the progressive decrease in the weekly hours of
24 work in the manufacturing sector, which is the great
25 statistical sector of Canada and at Quebec in particular
26 for the years 1945 to 1961. For Canada as a whole the
27 week went from 44.1 hours in 1945 and it decreased to
28 reach a figure of an average of 40.6 in 1961.

29 Insofar as Quebec was concerned, the trend
30 was about the same. We started from 45.8 in 1945 and we



1 FRENCH

2 finally decreased the week, the weekly hours of work in
3 1961 to 41.5 and the source, of course, is the review of
4 man hours and hourly earnings from the D.B.S.

5 Q. Could you please tell us what relation
6 exists between these tables 2 and 3 you have just mentioned
7 and the statistics relating to pilotage that you have
8 produced and what kind of interest these tables give in
9 relation to the pilotage statistics?

10 A. As I stated, from the comparison
11 point of view I think that these two tables, that is table
12 2 which gives us the present day situation, as much as
13 possible in those sectors, and table 3 which in turn
14 indicates the progressive decrease of the hours of work,
15 for this offers us an element of comparison which is
16 interesting to note after having compiled, with the help
17 of the questionnaire, the statistics on the weekly average
18 of hours of pilotage with all the restrictions that I
19 made at the outset.

20 On the other hand, it is interesting to notice
21 that in the different sectors, industrial and others in
22 Canada, well during the past 15 years we have seen a
23 progressive decrease in the hours of work and, on the
24 other hand, as we have seen in other tables we have seen
25 a constant increase in income during the same period of
26 time. Consequently, the hourly wages of all these classes
27 has been increased by so much, and, moreover, this gives
28 us sampling for a comparison with the number of hours
29 given to pilots and we can see that even if we start
30 computing the number of hours, well this has statistical



1 FRENCH

2 significance and can be compared advantageously.

3 Q. Can we not reach the conclusion that
4 these average hours which are quoted in tables 2 and 3
5 extend over a period of the whole year while the hours
6 given for pilots extend over a certain number of weeks of
7 the year during which the navigation season is in progress
8 and, at any rate during a certain part of the winter in
9 most Pilotage Districts for the St. Lawrence navigation
10 is stopped.

11 A. Well, naturally, we can always pinpoint
12 that objection. I think that as the navigation season is
13 getting to be longer and even in the static state without
14 talking about the promulgation of the season, that as it
15 exists I mention in table 2 and 3 there is office workers
16 and manual workers and during the past 15 years there
17 has been a definite trend in the increase of annual
18 vacations and statutory holidays and so forth. In the
19 case of the Federal Civil Servants -- I wouldn't like to
20 give figures. I don't have them on hand but when we take
21 off all the periods of vacations, statutory holidays and
22 so forth there is a certain number of months which are
23 inactive so, perhaps, this is equivalent to the off season
24 in the field of navigation, and perhaps you have the same
25 occurring in other services so I say that is an objection
26 that should not be taken into consideration. One must
27 also add that these periods of vacation or leave are paid
28 in the other cases.

29 Q. Now, I notice in paragraph 164 at the
30 bottom of the page you wrote a note which states "It is



1 FRENCH

2 interesting to note that Canadian Airline pilots have a
3 maximum limit of 85 hours per month as effective flying
4 time which is a maximum of 19.63 hours per week."

5 THE CHAIRMAN: Here I would like to reach an
6 understanding concerning the word "pilots" because pilot
7 refers to the Captain who has regular hours so this must
8 be taken into account in the transcription of the notes
9 because in my mind there is no possible comparison between
10 airline pilots and a pilot on a vessel. The pilot on a
11 vessel never knows in advance when he is going to work
12 while the airline pilot always knows in advance where he
13 is going to work.

14 MR. LALONDE: I am in agreement, my lord.

15 THE CHAIRMAN: I just mentioned that because
16 there is a great deal of confusion between the different
17 terms and that is why as it came to my mind I just made
18 that statement.

19 MR. LALONDE: Q. I would like to show you
20 an agreement between Trans Canada Airlines and the Airline
21 Pilots in the service of Trans Canada Airlines as repres-
22 ented by the Canadian Airline Pilots' Association, effective
23 July 1st, 1963. Would you please tell me if this is the
24 document you used to indicate the information mentioned
25 at the bottom of page 62 of the English text?

26 A. Yes.

27 Q. Could you please show in this document
28 the pertinent reference you used?

29 A. I think it is section 17 entitled
30 Hours of service, on page 18, subparagraph (a) it is



1 FRENCH

2 stated: "85 hours of flying shall constitute the monthly
3 maximum for pilots."

4 Q. Your lordship, I would like to file this
5 document which is entitled Pay Tables dated July 1st, 1963
6 to September 30th, 1965 covering Captain, first officer
7 and second officer, hourly rates and potential monthly
8 earnings and a third document annexed to these previous
9 documents, memorandum of understanding between Trans Canada
10 Airlines and The Canadian Airline Pilots' Association covering
11 modification in Section 19 (sick leave) as adopted by
12 membership in the Pilots Mutual Aid Fund. I would like to
13 file these documents as a bundle as Exhibit 768.

14 ---EXHIBIT NO. 768: Pay Tables dated July 1st, 1963 to
15 September 30th, 1965 covering Captain,
16 first officer and second officer,
17 hourly rates and potential monthly
18 earnings and third document annexed
19 to previous documents, memorandum of
20 understanding between Trans Canada
21 Airlines and the Canadian Airline
22 Pilots Association covering modification
23 in Section 19 (sick leave) as adopted
24 by membership in the Pilots Mutual Aid
25 Fund.

26 Q. Did you have an opportunity when
27 studying those documents to find out if the Pilots'
28 Association are strictly on a wage basis?

29 A. Well, we can't say they are strictly
30 on a wage earners. I think there is a scale of remunera-
tion, I think they have what is called basic pay which is
a certain amount every month and these amounts may vary
according to the grade of the pilots, is he a captain or
reserve captain and so forth. Aside from that the airline



1 FRENCH

2 pilots receive an hourly wage, an hourly pay for flight
3 time and they also receive pay according to the importance
4 of the piloted aircraft, that is the gross weight pay
5 and finally -- I can add nothing else. I know they have
6 the scale.

7 Q. Do you know if they receive remunera-
8 tion for the number of miles done?

9 A. Yes, they receive what is called a
10 mileage pay.

11 MR. LALONDE: Does your lordship wish to have
12 longer periods of work than yesterday?

13 THE CHAIRMAN: We are going to work until
14 five to eleven. We will still have two recesses this
15 morning.

16 ENGLISH

17 CROSS-EXAMINATION BY MR. MAHONEY:

18 Q. I understood you to say that you have
19 prepared the drafts of chapters 3 and 4; is that correct,
20 chapters 3 and 4 of the Federation brief?

21 A. Yes, I have written the, drafted these
22 chapters.

23 Q. Did you prepare the graphs yourself?

24 A. Well, as I told you.

25 Q. Did you write these chapters?

26 A. I wrote the chapters and I...

27 MR. LALONDE: Do you wish to answer French?

28

29 ---off record discussion.

30



1 ENGLISH

2 THE WITNESS: If I can answer adequately I
3 will answer in English.

4 Q. With regard to Chapter 4 I notice that
5 it is divided into two parts. If I recall correctly Mr.
6 Lalonde asked you if you had prepared part 2, that is on
7 page 75 of the English version and page 78 of the French?

8 A. Yes, I must say here I prepared not
9 part 1 of Chapter 4, but part 2.

10 Q. You had nothing to do with part 1?

11 A. I had nothing to do with part 1.

12 Q. Now, commencing then with Chapter 3,
13 paragraph 139 when you say that the duty of the pilot is
14 one which commands authority and a considerable degree of
15 responsibility -- what sort of responsibility do you mean
16 by that? You mean legal responsibility or moral respon-
17 sibility?

18 A. Well, I mean the kind of responsibility
19 in the human sense, in the human meaning and on a technical
20 meaning, what we call normally the responsibility attached
21 to a task, you know.

22 Q. Is this a moral responsibility or legal
23 responsibility?

24 A. Pardon?

25 Q. Is this a legal responsibility or a
26 moral responsibility?

27 A. Well, maybe it is a legal responsibility.
28 I imagine that pilots have to be insured against, maybe,
29 some fault or anything like any other profession.

30 Q. I take it from your reply it is somewhat



1 ENGLISH

2 outside your field? You are not certain of this?

3 A. Well, exactly to delineate the kind of
4 responsibilities in a sense of legal or how these
5 responsibilities is organized and that, well I know....

6 Q. You don't know that?

7 A. No.

8 Q. Now, going on to paragraph 140, the
9 next paragraph you say in describing the work of the
10 pilot that he must be continuously present at his working
11 position; he must be vigilant and attentive at every
12 moment. In contrast with the majority of other possessions
13 and a number of paid occupations in the different sectors
14 of activity he is accorded no respite from embarkation
15 until the end of the trip". Now, Mr. Cardin, how do you
16 know that? Do you know that personally?

17 A. No, because I am not a pilot.

18 Q. I take it that you haven't been on
19 board ships while they were being piloted?

20 A. No.

21 Q. You don't know this of your own
22 knowledge?

23 A. No.

24 Q. You don't know this of your own
25 knowledge?

26 A. By direct experience, no.

27 Q. In other words this is what you have
28 been told, that is what you mean by indirect?

29 A. Yes, we don't have always to go on the
30 job in order to know exactly what it is.



1 ENGLISH

2 Q. I appreciate that.

3 A. To know what it is like.

4 Q. What I am trying to differentiate here
5 is things you know of your own knowledge and the things
6 you have been told?

7 A. Of course I am not a pilot.

8 Q. That is one of the things that you
9 have been told?

10 A. Yes.

11 Q. Now, let us go on to paragraph 146
12 where you have said: "If we consider the working conditions
13 of mariners in general, seamen and officers of all ranks
14 we note that the entire crew enjoy a very great stability
15 in the hours and tempo of work which itself is partitioned
16 in watches determined in advance and which are successively
17 alternated." I notice that you say "all ranks" and I
18 noted when Mr. Lalonde made reference to this paragraph
19 that he specifically used the word "master"?

20 A. The word---?

21 Q. The word master or captain as well
22 as mate in this connection. Do you know whether the
23 master of the ship is on duty only during certain watches
24 or is he on duty at whatever times he chooses during the
25 day or night or at all times or do you know?

26 A. Not exactly, no.

27 Q. If I say to you that the master of
28 the ship doesn't take part in the three watch system but
29 is responsible at all hours of the day and night would
30 you agree or disagree with that statement?



1 ENGLISH

2 A. Well, it may be true.

3 Q. Then you are prepared to say that
4 paragraph 146 where it says "all ranks" may not be correct?

5 MR. LALONDE: If my friend pleases, is the
6 word captain considered as a rating in the crew?

7 MR. MAHONEY: I am just going on the words
8 "all ranks" and on the fact that my friend used the word
9 master.

10 MR. LALONDE: Maybe I used the word but the
11 brief in French, if you read it says: "Si nous considerons
12 par exemple, les conditions de travail des gens de mer en
13 general, marin officiers de quelque grade que ce sont,
14 ...etc." As far as I know a master is not an officer.

15 MR. MAHONEY: That may well be, my lord.
16 The only reason I raised the point...

17 THE CHAIRMAN: For someone who is not quite
18 conversant about these terms I think it is all right that
19 the matter is raised.

20 MR. MAHONEY: Q. I notice in paragraph 148
21 the last line of the paragraph where you have been des-
22 cribing the physical conditions of the pilots' work and
23 you conclude by saying: "And that physical and psychic
24 fatigue are normal consequences for a large number of the
25 active pilots". Would you tell me, Mr. Cardin, what are
26 the symptoms of this physical and psychic fatigue?

27 A. Well, I didn't interview each of them
28 in order to note what are the symptoms as such, but it is
29 normal when we make an analysis in industrial psychology
30 according to the terms of industrial psychology that



1 ENGLISH:

2 certain irregularity in hours of work, instability of
3 working conditions are normally conducive to some tension.
4 That is only what I wanted to say.

5 Q. But so far as the occupation of
6 piloting is concerned you don't know whether those
7 symptoms are present in pilots as a matter of your own
8 knowledge?

9 A. I never pretended to say that a real
10 proportion of 90% of pilots are on tension, but it is
11 normal to conclude that with such working conditions well
12 they may be led to have in a certain large proportion of
13 cases. That is all.

14 THE CHAIRMAN: We adjourn now for a few
15 minutes to give the reporters a break.

16

17 ---Short recess

18

19

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ENGLISH QUESTIONS FRENCH ANSWERS

Q Now, Mr. Cardin, I would like to go on to paragraph 167 on page 63 of the English version of the brief where you are talking about elapsed time and you say in paragraph 167 that "this method of calculation is used in several foreign countries, notably Belgium, Holland and Sweden." Now, I take it again that is something which you don't know of your own personal knowledge; is that correct?

R Voici: ce paragraphe 167 est là, il dit ce qu'il dit bien, parce que ce n'est pas seulement quelque chose qui m'a été dit, c'est qu'on a pris connaissance des enquêtes qui ont été faites sur le système de pilotage dans différents pays, et c'est à partir de ces données réelles que cette affirmation-là a été incluse au paragraphe 167.

A Well, I know about -- this paragraph 167 states exactly what it is, naturally, because this isn't something that was told to me, but we looked into certain surveys that have been made on the pilotage system in different countries and it is using these real data that this assertion has been inserted in paragraph 167.

Q Did you personally look into these things?

R Oui, dans la préparation du mémoire.

A Yes, in the preparation of the brief.

Q Do you have documents upon which this paragraph relates?

R Les documents sont dans les mains des procureurs, et je les ai lus. J'en ai moi-même dans ma serviette certains.

A The documents are in the hands of the Counsel and I have some also myself in my brief case.

Q Now, again, in paragraph 186 where you



1 are considering the idea of bringing pilotage -- my friend, Mr.
2 Lalonde draws my attention to that fact that this is in part 1 and as
3 I understand it you didn't write part 1?

4 R Non.

5 A No.

6 Q Now then, as we go on to part 2 of the
7 brief which is page 75 of the English text, and I think it is page 78
8 of the French text, in paragraph 199 you have used the term "liberal
9 professions". Would you define for me that term "liberal profes-
10 sion"?

11 R Par "profession libérale", on entend -
12 on peut entendre celles qui sont exercées - c'est-à-dire ceux qui
13 exercent ces professions-là le font, comme on dit, à leur propre
14 compte, et ce sont des professions - c'est-à-dire qu'ils ne sont pas
15 des salariés puisqu'ils exercent à leur propre compte. Et ensuite,
16 le terme "libérale", évidemment, on pourra faire toute une exégèse
17 de cette épithète-là en partant du Moyen-Age, mais ce sont des pro-
18 fessions où le travail intellectuel a beaucoup plus de part dans l'ac-
19 complissement de la tâche que le travail physique ou manuel.

20 A By "liberal profession" one may mean,
21 include those which are -- that is those who practice these profes-
22 sions - rather, they are not wage earners as they are self employed,
23 and this word "liberal" could be fully analyzed, and, historically
24 speaking, even starting with the middle ages and these professions,
25 liberal professions are those whose intellectual work is far more
26 important in the performance of the task than the physical or mental
27 work.

28 Q Isn't that a more correct definition than
29 the one which you started with? That is, the intellectual side is
30 what makes it the liberal or non-liberal profession. Is that not



1 correct?

2 R Vous voulez dire: la première référence?

3 Il y a cet élément-là, mais vulgairement ou populairement, c'est
4 d'ailleurs le sens dans lequel, bien, nécessairement, je l'ai employé
5 ici: c'est quand en parlant de professions libérales, j'avais dans
6 l'esprit les professions libérales de tradition, comme: avocat,
7 médecin, notaire, dentiste, etc. Parce que dans ce texte-ci, je
8 pense que le terme "profession libérale" vaut beaucoup aussi par
9 le fait que les gens exercent à leur propre compte; ce sont ce qu'on
10 appelle en anglais des "self employed people" comparés à des métiers
11 manuels, industriels, salariés, ce qu'on appelle les "blue collars"
12 en anglais.

13 A. Yes, there is that element but I think that
14 commonly speaking this is the meaning I have given it here because,
15 when we talk about liberal professions I had in mind the traditional
16 liberal profession, such as that of a lawyer, physician, notary, den-
17 tist, and so forth, because in this context I think that the term "li-
18 beral profession" is very important but because of the fact that people
19 are self employed, as compared to manual trades, industrial trades
20 for the wage earners, what is called in English blue collar workers.

21
22 LE PRESIDENT:

23 Q Ca comprendrait, par conséquent, les
24 artisans, dans l'ancienne appellation du mot?

25 THE CHAIRMAN:

26 Those would be the craftsmen?

27
28 LE TEMOIN:

29 R Je crois que oui, oui.

30 THE WITNESS:



ENGLISH QUESTIONS/FRENCH ANSWERS

1 Yes.

2 Q Now you say then that the self employment
3 feature is important in the definition, but if I might give you an ex-
4 ample: If you had a lawyer, just as an example, and I take it you
5 would consider him as a member of the liberal profession, supposing
6 that that lawyer is employed by a Corporation. Would you then dif-
7 ferentiate?

8 R Oui, évidemment, il est membre de ce
9 qu'on appelle traditionnellement une "profession libérale". Là, il
10 y a une question de status dans l'exercice même des fonctions qui
11 est à considérer; c'est ce qu'on appelle dans ce cas-là un fonction-
12 naire salarié. Un fonctionnaire salarié, c'est quelqu'un qui est
13 membre d'une profession libérale, mais qui travaille pour le compte
14 d'un employeur, et rémunéré sur une base de salaire ou de traite-
15 ment, selon un mode de calcul qui peut varier selon l'individu,
16 l'emploi, etc. Mais, évidemment, il y a là une certaine mixture
17 des notions; il est membre d'une profession libérale, mais il ac-
18 quiert un status de salarié. C'est ce qui jette énormément de confu-
19 sion, d'ailleurs, sur certains problèmes en relations de travail
20 pour ces groupes qu'on appelle "fonctionnaires salariés". Ensuite,
21 il y a des séries de professions frontalières. On se demande si elles
22 sont libérales ou si elles ne le sont pas, parce que la presque totali-
23 té de leurs membres sont salariés. On peut donner des exemples
24 même. Mais là, on peut se questionner: est-ce une profession
25 libérale dans le sens traditionnel, ou est-ce qu'on doit l'étendre à
26 ça, etc.

27 A Yes, Well naturally he is a member of
28 what is called traditionally the liberal profession and here we have
29 a question of status in the exercise of the work which has to be
30 considered, and in that case you would call him a salaried profes-



1 ENGLISH QUESTIONS/FRENCH ANSWERS

2 sional worker and such a person is a member of a liberal profession
3 but, on the other hand, that person works for an employer and is
4 paid on a basis of wages or remuneration or even according to a
5 system of calculation which may vary from one individual to another
6 or one employer to another. Well naturally here you have a mixture
7 of both notions. He is a member of the liberal profession but he
8 acquires the status of a wage earner and this is what gives rise
9 to a great deal of confusion in the field of certain problems of labour
10 relations for these groups that you called salaries professionals,
11 and then you have the borderline professions and I wonder if these
12 professions are liberal professions, because most of these members
13 are salaried while being members of a profession.

14 Practically all of their members are sa-
15 lariumed workers or wage earners. We can even quote examples of
16 that and we may wonder is that the liberal profession according to
17 the traditional sense or not?

18 Q Would you agree, Mr. Cardin, that is a
19 person is a member of a liberal profession by reason of the education
20 which he receives, which brings him into that category, that he is
21 still a member of that liberal profession even though at a later stage
22 he may become a salariumed employee? It doesn't change his status as
23 a member of the liberal profession, is that not right?

24 R Il ne change pas son status en tant que
25 membre de la profession libérale, mais il change son status sur le
26 plan de l'exercice de la profession; il devient salarié. Ce qui n'est
27 pas le cas de ceux qui pratiquent à leur propre compte; parce qu'il
28 y a deux status: le status professionnel et le status du travail, de
29 la fonction accomplie.

30 A He does not change his status as a member



1 ENGLISH QUESTIONS/ FRENCHANSWERS

2 of the liberal profession as such, but he changes his status at the
3 level of the practice of his profession. He becomes a salaried
4 employee. He does not fall within the category of those who are
5 self employed, because you have the status, you have a professional
6 status and the status of the work and the work done.

7 Q Well approaching it from another point
8 of view sir, is it not true that the professions which have traditio-
9 nally been recognized as the liberal professions, are those which
10 you set out in table 8 on page 87 of the English text?

11 R Je crois que vous ne l'aviez pas continuée.

12 A I don't think that you have finished your
13 question.

14 Q Yes, I had said is it not true that all of
15 the people which are set out, excepting pilots, which are set out in
16 your table 8, that is, doctors, surgeons, lawyers, notaries, engi-
17 neers, architects and dentists are all considered members of the
18 liberal professions?

19 A Yes.

20 R Oui.

21 Q Is it not true that where those people are
22 self-employed, that the conditions which you outline in paragraph 199,
23 the economic conditions are all specially related to those persons?

24 R Est-ce que la question est terminée?

25 A Are you through asking your question?

26 Q Yes?

27 R Vous voulez dire que les professions qui
28 sont indiquées - dont je fais état au paragraphe 199 sont celles qui
29 sont incluses au tableau 8, ensuite? Est-ce que c'est ça?

30 A You mean that the professions indicated

1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 in paragraph 199 are those which are also included in table 8
 3 afterwards? Is that it?

4 Q Yes?

5 R Oui, ça peut coïncider; ce n'est pas
 6 nécessaire que ce soit celle-ci ou d'autres; ça peut coïncider.

7 A Yes, this may coincide but it is not neces-
 8 sary for those to coincide. They may coincide.

9 Q It is true with regard to those people
 10 there is, as you term it, an inelastic demand for their service?

11 R Dans bien des cas, oui, c'est vrai que la
 12 demande est relativement inélastique pour les services.

13 A In many cases, yes, but it is true that
 14 the demand is rather inelastic for service.

15 Q And it is not true that the demand for the
 16 pilotage service is inelastic? That is, it is, as opposed to these
 17 other services, affected by economic conditions?

18 R La position des membres de ces profes-
 19 sions libérales est tout de même affectée par les conditions écono-
 20 miques? Est-ce que c'est ça qui est la question?

21 A The position of these members of liberal
 22 professions is nonetheless affected by economic conditions. Is that
 23 the question?

24 Q No, you misunderstand me. We have
 25 agreed, I think that the position of these people in the liberal pro-
 26 fessions is not affected, to any appreciable degree, by economic
 27 conditions. The question is whether that is also true of the pilotage
 28 service or is the pilotage service, on the other hand, affected by
 29 economic conditions?

30 R Bien, c'est ce què j'ai essayé de faire



1 ENGLISH QUESTIONS/ FRENCH ANSWERS

2 ressortir dans ces paragraphes-là: que contrairement à ce qui
3 s'est produit dans certaines mesure, évidemment, je ne veux pas
4 surfaire ma propre déclaration, là... contrairement donc à ce qui
5 se produit pour certaines professions ou pour plusieurs professions
6 qu'on appelle "libérales", et dont la demande pour les services est
7 relativement inélastique, économiquement parlant, dans le cas des
8 pilotes, le secteur dans lequel ils se trouvent à travailler, au con-
9 traire, réfléchit assez directement la conjoncture économique, et
10 nécessairement, là, la demande pour leurs services peut varier
11 assez considérablement dans un temps de crise ou de stagnation
12 économique ou de crise politique ou tout autre événement de ces
13 ordres-là.

14 A Well this is what I tried to pinpoint in
15 those paragraphs. That is to say that contrary to what occurs, to a
16 certain degree naturally that is the case. I would not like to exaggerate
17 my own statement, but in contrast to what happens for many
18 professions, which are called liberal professions, the demand for
19 these services of these professions is rather inelastic. In the case
20 of pilots, the sector within which he works, on the contrary, is directly
21 influenced by economic conditions and out of necessity the
22 demand for their services may vary considerably in the case of a
23 crisis or economic stagnation or political crisis or in the case of
24 any other type of event like this one.

25 Q Exactly. Now in that case, and looking at
26 table 8, would you agree with me that during the period of 1946 to
27 1960, there were no major economic crisis which may have affected
28 the position of the pilotage service?

29 R Durant la période de 1946 à 1960, vous
30 dites qu'il n'y aurait pas de crises majeures qui ont pu affecter la



1 ENGLISH QUESTIONS/ FRENCH ANSWERS

2 position des pilotes durant cette période-là? C'est ça votre ques-
3 tion?

4 A During the period extending from the
5 years 1946 to 1960 you state that there were no major crisis which
6 may have affected the position of pilots in the course of that period?

7 Q Adversely.

8 R Bien, évidemment, la conjoncture, à
9 partir de 1946 jusqu'à maintenant, a été relativement bonne pour tout
10 le monde, quoique vous avez eu un fléchissement dans l'économie.
11 Là, il faudrait analyser en détail tout ce
12 qui s'est passé pour chaque courte période, mais vous avez eu un
13 fléchissement dans l'économie vers la fin de l'année 1949, si je ne
14 me trompe, et qui s'est amplifié en 1950; et vous avez eu encore,
15 je pense, vers 1953, une certaine récession économique qui est
16 survenue, et depuis 1954 et 1955, on a une certaine stabilisation qui
17 n'est pas la conjoncture aussi bonne qu'on avait au sortir de la guerre.

18 Maintenant, on n'a pas eu, évidemment,
19 une crise de l'ordre de celle de 1930, ça va de soi, mais c'est....

20 A Adversely. Naturally the economic con-
21 ditions, starting from the year 1946 up to now have been relatively
22 good for everybody, although you may have had an economic reces-
23 sion; naturellay you would nave to analyse in detail everything that
24 occurred for every short period, but you have had an economic
25 recession, towards the end of the year 1959, if I am not mistaken,
26 and it has been amplified or increased in the year 1950 and in the
27 year 1953 you had another type of economic recession and ever since
28 the years 1954 and 1955 we have a certain stabilization which gives
29 us economic conditions which are not as good as they were in the
30 immediate post-war period but, of course, we did not have the crisis



1 ENGLISH QUESTIONS/ FRENCH ANSWERS

2 of the type of the year 1930.

3 Q So far as the pilotage service itself is
4 concerned, these minor crisis which you have mentioned do not se-
5 riously affect the picture do they?

6 R Je ne pense pas que ça ait affecté d'une
7 façon complète.

8 A I don't think so. I don't think there might
9 have been a direct influence, no.

10 Q You have made the comparison, which is
11 outlined in table 8, and that comparison indicates at least a superficial
12 similarity between the people which we are agreed are members of
13 the liberal professions, and the pilots. I think we are agreed on that,
14 but my question to you, Mr. Cardin is: If you were to extend this
15 study period over a time when an economic crisis did exist, that
16 comparison would not be possible would it? The differences then
17 between the true liberal professions and the remunerative aspect of
18 the pilots' life would show up, would they not?

19 R Durant si on avait étendu la série,
20 par exemple, pour les années d'avant la dernière guerre? Bien, il
21 s'agirait de prendre les statistiques et de voir, si on mettait ça en
22 indice, de voir comment ça se regarde, mais je ne dis pas..... vous
23 dites que ça ne serait pas comparable?

24 A If we had extended the series, for example,
25 for the years before the last world war? well we would have to take
26 the statistics and try to establish indices and find out exactly what
27 would be the result. You say that you could not then compare those?
28 They would not be comparable?

29 Q I think we were agreed that the similarity,
30 which you had pointed out here, existed because during the period



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 under study there has been no economic crisis affecting the pilots,
3 such as you have outlined in paragraph 199. Would you agree with
4 that?

5 R Je ne sais pas si je comprends bien votre
6 question, là. Vous dites que si on étendait les séries d'indices à la
7 période de la crise économique des années 1930, par exemple, la
8 comparaison ne pourrait plus se faire entre les professions libéra-
9 les étudiées et les revenus des pilotes?

10 A I don't know if I understand your question
11 properly. You say that if we extend the series of indices to the
12 period of the economic crisis of the years of the '30's, for example,
13 the comparison could no longer be made between the liberal profes-
14 sions studied and the income of pilots?

15 Q Yes?

16 R Bien, je ne vois pas pourquoi elle ne pour-
17 rait pas se faire; on remarquerait peut-être des différences beau-
18 coup plus considérables dans les indices.

19 A I don't know why these comparisons should
20 not be made. Perhaps you would see a greater discrepancy in the
21 indices.

22 Q It would show then a greater discrepancy.
23 There would be no basic similarity. That is all I am getting at.

24 R Evidemment, il y aurait peut-être - mais
25 ça, il faudrait aller dans chaque cas, chaque profession libérale et
26 faire le relevé des revenus depuis mil neuf cent trente (1930) à mil
27 neuf cent trente-huit (1938) et faire les indices pour voir exactement
28 comment ça s'est comporté dans chaque cas.

29 A Naturally, but you would have to set out
30 in that case each liberal profession separately and we would have to



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 try to make a survey of income for the years of the '30's and find out
3 exactly what occurred in these cases.

4 Q Dealing with nothing more than you have
5 dealt with in this table, is that really not correct?

6 R Tel que c'est là? Je le crois.

7 A As is? I think so.

8 Q Thank you.

9 MR. LALONDE:

10 My lord, could the witness state what he
11 believes? I am not sure the questions has
12 been understood correctly or not. I would
13 like to ask my friend to restate it or have
14 the stenographer repeat the question. I
15 must say for myself I am not sure exactly
16 what the question means.

17 (English reporter reads: Q. Dealing
18 with nothing more than you have dealt with in this table, is that
19 really not correct?)

20 LE TEMOIN:

21 R J'aimerais avoir la traduction française
22 de cette question-là, s'il vous plaît.

23 THE WITNESS:

24 I would like to have a French translation
25 of that question.

26 MR. JACQUES:

27 My lord, I might translate into French
28 the question put by my learned friend.
29
30



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 I think Mr. Lalonde could object if he does
3 not agree with my translation.

4 THE CHARMAN:

5 Would you repeat the question again?
6

7 MR. MAHONEY: My lord, I am quite
8 satisfied with the record as it exists.
9 I think that in the record the discussion
10 between the witness and myself will be
11 fairly clear, in spite of the fact that my
12 friend may not have followed it. I don't
13 think there was any basic disagreement.

14 MR. LALONDE:

15 My friend may be satisfied with the
16 answer he got last, but I may not be. I
17 cannot understand what he meant or what
18 he is driving at or what the question is.
19 I don't know what the question means ex-
20 actly.

21 MR. JACQUES:

22 I think the best thing is to have the last
23 part of the examination read and it is going
24 to be translated for the witness.
25

26 (English reporter reads last two questions):
27

28 Q It would show then a greater discrepancy.
29 There would be no basic similarity. That is all I am getting at.

30 Q Dealing with nothing more than you have



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 dealt with in this table, is that really not correct?

3 LE TEMOIN:

4 R Je m'excuse, mais je ne sais pas s'il
5 faudrait reprendre ça, mais là, je n'ai pas saisi le sens des trois -
6 même si ç'a été traduit - des trois dernières questions. Je ne sais
7 pas exactement qu'est-ce que vous voulez faire ressortir par ces
8 questions-là.

9 THE WITNESS:

10 A I am sorry, I wonder if we could not take
11 that again because I did not understand the meaning of the three
12 last questions. I don't know exactly what you are driving at.

13 MR. MAHONEY:

14 I agree with the witness my lord. They
15 are rather more difficult to understand
16 and I am quite prepared to go back and ask
17 the questions again.

18 Q Now we are agreed, I think, that there
19 is a difference between the recognized liberal professions, which
20 you have set out in table 8 and the pilots, and that difference is
21 what you have described in paragraph 199. That is, that the profes-
22 sions which are ordinarily recognized as liberal are not affected by
23 economic crisis but the pilotage service is?

24 R Correct.

25 A Correct.

26 Q And I pointed out to you that during the pe-
27 riod of study, set out in table 8, there were no major economic
28 crisis. Is that right?
29
30



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 R Oui.

3 A Yes.

4 Q On the other hand, I said that if during
5 that period, or if the period were extended to a time when there was
6 a major economic crisis, the similarity which now shows in table 8
7 would not be apparent?

8 R Ce que j'ai dit là, c'est que quant au para-
9 graphe 199 c'est simplement ceci: que pour les professions, ce
10 qu'on appelle "libérales", comme par exemple: médecin ou autres,
11 dans une certaine proportion, ces professions sont moins affectées
12 directement par la conjoncture économique que la profession du
13 pilotage. Correct?

14 A What I stated there in paragraph 199 is
15 simply the following: That for the so-called liberal professions,
16 such as that of a doctor, and so forth, in certain measure these
17 professions are less affected by, or directly by economic conditions
18 than would be the case for the profession of a pilot.

19 THE CHAIRMAN:

20 Does that answer your question?

21 MR. MAHONEY:

22 Not completely, but I think it will be appa-
23 rent enough from the record and I am pre-
24 pared to leave it.

25 THE CHAIRMAN:

26 I think we have to bear in mind that the
27 income of pilots in 1946 was lower than it
28 was in 1938.
29
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ENGLISH QUESTIONS / FRENCH ANSWERS

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MR. MAHONEY:

Yes my lord. What I am getting at is only that while there may be a basic similarity between the tables, that similarity only exists because it is not during a period of economic crisis.

THE CHAIRMAN:

That is why I said that last remark. We see this similarity but I am pretty sure there is nothing in the record yet but during the wartime period the doctors and lawyers were left some money.

MR. MAHONEY:

But the conclusion which I propose to draw from this is that you cannot make this comparison normally. It just happens that during this period there is a similarity.

THE CHAIRMAN:

All right.

LE TEMOIN:

Oui, ça, ç'a été dit.

LE PRESIDENT:

Si vous avez quelque chose à dire...

THE WITNESS:

I don't understand exactly these restrictions that we want to put on this table because the period under study



ENGLISH QUESTIONS / FRENCH ANSWERS

is this one and it's this new similarity, or knowledge existing between the income of pilots and other professions exist there because there was no major crisis and that economic conditions were more favourable and more constant? Well naturally these figures indicate that this is comparable of course but this does not destroy the value of this table. If the period would be prolonged, it would simply confirm what I stated in paragraph 119.

R Je ne comprends pas exactement les limites qu'on veut imposer au tableau qui est ici; la période où c'est situé, et on dit que les similarités ou les ressemblances qui existent dans le comportement des revenus des pilotes et ceux des autres professions existent là parce qu'il n'y a pas eu de crises majeures, et que la conjoncture a été plus favorable et plus continue.

Certainement que ça - les chiffres démontrent que c'est comparable, ça va de soi, mais ça n'infirmes absolument pas la valeur de ce tableau-là, même si on étudie, en somme, la période comparée, ça tendrait cependant à confirmer ce que j'ai dit au paragraphe 199.

LE PRESIDENT:

Il veut dire, je pense bien, que la courbe entre la profession de pilote et les autres ne serait pas aussi parallèle qu'elles ne paraissent actuellement, si on étendait la comparaison jusqu'en mil neuf cent trente en passant par les années de la guerre.

THE CHAIRMAN:

I think he wants to say that the curve



ENGLISH QUESTIONS/ FRENCH ANSWERS

between the professional pilots and other professions would not be as parallel as they seem to be if we try to extend the comparison to the year 1930, and followed by the war.

LE TEMOIN:

R C'est bien évident, mais seulement, qu'est-ce que vous voulez, on prend les chiffres tels qu'ils le sont ; ici, dans cette période-là, les comportements ont été spécifiques, et si on étendait les séries - d'ailleurs, on en a parlé dans le texte, je pense qu'on a fait un état assez détaillé des niveaux de revenu des pilotes durant la guerre et dans les années précédant immédiatement la guerre, et au sortir de la guerre. Ca ne ferait, à mon sens, que confirmer ce que j'affirme au paragraphe 199, et ça n'invaliderait pas, ça n'invaliderait absolument pas ce qui existe dans le tableau 8, ici.

THE WITNESS:

A Yes, of course, we take the figures as they are here, into that period. I think if we extend the series and if I do it for the wartime period, and even it was mentioned in the text, if you refer to the text, I think that we gave details of the level of income of pilots during the wartime period and during the years preceding immediately the last World War and immediately after the last World War, to my mind this would confirm what I said in paragraph 199 and it would not at all invalidate what exists in table 8.

THE CHAIRMAN:

Does that complete your answer?



1 ENGLISH QUESTIONS/ FRENCH ANSWERS

2
3 MR. MAHONEY:

4 Yes my lord.

5 Q I would like to go back to table 7 on page
6 84 of the English text and this table compares, or is supposed to
7 compare the position of first mate with the position of Mid St. Law-
8 rence and Lower St. Lawrence pilots. Now, Mr. Cardin is it not so
9 that this table does not show actual salaries received either by the
10 first mate or by the pilots?

11 Q It doesn't show actual salaries received
12 either by first mate or by a pilot?

13 R Evidemment, puisque ce sont des revenus
14 qui ont été mis en indice. Le but premier de ce tableau a été de
15 montrer, en somme, le comportement relatif des différentes classi-
16 fications qui y sont indiquées. Ce ne sont pas des chiffres absolus.
17 Ce n'était pas l'objet du tableau, non plus, de comparer ces chiffres
18 absolus-là.

19 A Naturally because these are unknowns
20 that have been established in industries. The primary objective of
21 that table was to show the relative behaviour of the different classi-
22 fications indicated therein. Those are not absolute figures, and this
23 wasn't primarily the object of that table, to compare absolute figures.

24 Q But the apparent result of the table is to
25 show the similarity in 1960 between the salary position of the first
26 mate and the income position of the Mid St. Lawrence Pilots group?

27 R Non.

28 A No.

29 Q You say that that is not the apparent
30 result?



1 ENGLISH QUESTIONS/ FRENCH ANSWERS

2 R Ce n'est pas le résultat apparent. Si je
3 comprends bien votre question, ceci montrerait une similarité ; je
4 ne sais pas, le terme est un peu ambigu, une similarité, vous voulez
5 dire une parité des revenus des deux professions envisagées ?

6 Et bien, ce n'est absolument pas le but de
7 ce tableau-là. Le but de ce tableau-là, puisque ç'a été mis en indice,
8 c'est justement de montrer simplement la profession, dans les diffé-
9 rents revenus, et non pas d'essayer de trouver une parité en chiffres
10 absolus entre les revenus de first mate et des pilotes d'une circons-
11 cription ou d'une autre.

12 A No, it is not the apparent result. If I
13 understand your question properly to try and indicate or show a simi-
14 larity, I think the term here is ambiguous -- you mean a certain kind
15 of state of parity between the two envisaged positions -- that is not
16 the aim of the table. The aim of the table as it has been put in the
17 indices is to indicate the progression of the different incomes and not
18 to try and prove a parity in absolute figures between the income of
19 the first mate and the pilots or one section and another.

20 LE PRESIDENT:

21 Q En d'autres termes, pour l'année 1948,
22 ça ne veut pas dire que les first mate avaient le même salaire que
23 les pilotes, et que les pilotes avaient le même salaire dans toutes
24 les circonscriptions ?

25 THE CHAIRMAN:

26 Q In other words the year 1948, this doesn't
27 mean the first mate received just the same income as that of the
28 pilot or that the pilot enjoyed the same income in all Districts, but
29 the figure 100 which is shown for the year 1948 does not correspond
30



ENGLISH QUESTIONS / FRENCH ANSWERS

to income or equal incomes for each of these categories?

R Non.

Q Que le chiffre 100 qui apparaît pour l'année 1948 ne correspond pas à des revenus égaux pour chacun?

R Ah non, évidemment; toute personne qui connaît le maniement de statistiques ne peut pas interpréter ça comme ça.

A No, of course everybody who knows something about statistics couldn't interpret it that way.

MR. MAHONEY:

Q Thank you, my lord, I think you have clarified the point considerably. If there is no intention then, Mr. Cardin, to indicate the similarity you will agree with me, I think, when I say that income of a first mate and the income of a Mid St. Lawrence or Lower St. Lawrence pilot is a very different thing, very different amount?

R C'est peut-être..... c'est différent quant au montant, en chiffres absolus, mais comme je vous dis, ce n'est absolument pas l'objet du tableau.

L'objet du tableau, comme n'importe quel tableau d'indices, c'est de montrer des positions relatives. Il n'a pas été question de chiffres comparés, parce que là, il faudrait commencer par faire une analyse des tâches réciproques des pilotes, premier officier, deuxième officier, toutes les catégories de transport par eau. Mais ce n'est pas le but de ce tableau-là. Simplement, comme tout tableau statistique, le but essentiel, c'a été simplement de montrer autant que possible les ordres de grandeur des variations dans les revenus, sans les comparer en chiffres



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 absolus ou dans leur importance, ou en fonction du travail fait; simple-
3 ment ceci: que dans le secteur du transport par eau, qu'on prenne un
4 degré ou une fonction particulière ou l'ensemble, et bien, l'indice des
5 revenus a augmenté dans telle proportion, en prenant comme année
6 de base l'année 1948 égale 100, et on a fait la même chose pour les
7 pilotes.

8 A Perhaps it is different insofar as the
9 amount is concerned in absolute figures, but as I told you before this
10 isn't the primary purpose of the table because the primary purpose
11 of the table or any other type of index table is to indicate relative
12 ratios. Here there was no question or comparing because in the
13 first place we would have to start off with a classification of a first
14 mate, pilot and so forth and all employees of water transportation
15 services. This is not the purpose of that table. Just like any other
16 statistic table the primary purpose is to try to show as much as
17 possible the orders, the rate of progression of the incomes, not to
18 compare them in terms of the work accomplished and so forth, but
19 to indicate them in the section of the waterway transportation where
20 we take a degree or given duty or the whole -- well the indices of in-
21 comes has increased to such a ratio by taking the year 1948 as equal
22 to 100 and the same thing has been done for the pilots.

23 Q Well then, Mr. Cardin, I take it from what
24 you say that there would be great comfort in the minds of the first
25 mate to know that although he earns possibly less than half the amount
26 of a pilot still according to your statistic he was at parity?

27 R Bien, il était...

28 A He was...

29 Q This is the result of your statistics?

30 R Non, je ne crois pas, du tout; ça ne peut



ENGLISH QUESTIONS / FRENCH ANSWERS

pas l'être.

A No, no idea of that at all. It can't be so.

Q Well, then, I would like to go back, Mr. Cardin, to page 79 of the English text which contains table 4, and I notice at the bottom of that table that you say the source of the statistics is furnished by the Corporations concerned. I not, however, that in other tables you have used as a source statistics supplied by the House of Commons debates and by the Dominion Bureau of Statistics or, for example, the Department of Labour, and have used these in the same table as statistics furnished by the Corporations concerned for comparative a purpose; is that correct?

R J'ai utilisé - évidemment, quand on compare un tableau statistique, les sources statistiques peuvent varier de nature ou d'origine. C'est ce que j'ai fait.

A Naturally when you try to establish a statistical table the statistical sources may vary in their original sources and this is what I have been trying to do.

Q Are you aware, Mr. Cardin, that for the past several years there has been a fundamental difference of opinion between the statisticians of the Department of Transport and the pilots and that with respect to your table 4 there is no agreement between the Department and the pilots as to the correctness of these figures. Are you aware of that?

MR. LALONDE:

My lord, I think my friend is misstating the facts. First of all information of these statistics provided here has no reference to the statistics of the Department of



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 Transport. Secondly as to the average
3 gross annual income reported here, I would
4 like my friend to prove what he is saying
5 there.
6

7 MR. MAHONEY:

8 My lord, I don't understand my friend's
9 objection. I think my question is quite
10 clear. The witness has said that he has
11 used on the one hand statistics compiled
12 by the Government sources and on the
13 other hand for comparative purposes he
14 has used statistics supplied by the Pilotage
15 Corporations. He has agreed to this, I
16 think. You agree with this?
17

18 LE TEMOIN:

19 R C'est marqué au bas des tableaux.

20 THE WITNESS:

21 A Well, it is indicated at the bottom of the
22 tables.
23

24 MR. MAHONEY:

25 Q My question was were you aware that there
26 was a fundamental difference of opinion between the Department of
27 Transport as to the figures representing pilot income and the figures
28 produced by the pilots as to their income. Are you aware that that
29 difference exists?
30

LE PRESIDENT:



ENGLISH QUESTIONS / FRENCH ANSWERS

Q Tout simplement si vous êtes au courant qu'il y a une dispute entre les pilotes et le gouvernement au sujet du revenu annuel.

THE CHAIRMAN:

Q Simply if you are aware that there is a difference of opinion between the pilots and the Gouvernement concerning the annual income.

LE TEMOIN:

R Au sujet du revenu annuel, franchement, je suis plus ou moins au courant. Il y a peut-être..... je sais qu'il y a peut-être des différences d'opinions qui existent. Je ne sais pas..... Quant à la compilation du nombre de pilotes durant une période donnée, quelque chose comme ça, mais sur les revenus comme tels, c'est très vague, je ne peux pas dire que je le sais.

THE WITNESS:

A Concerning the annual income, I am more or less well informed. I know there might be certain differences of opinion existing insofar as the compilation of the number of pilots in the course of a given period of time, but well, about incomes it is quite vague. I can't say I am very well informed on that matter.

MR. MAHONEY:

Q If you assume from what I say that these figures that you have supplied in table 4 are controversial in the sense that there are other figures which are quite different, will you agree that the use of these figures may alter the conclusions which you are able to draw from the tables where you have made this comparison?

1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 R Je ne crois pas que ceci puisse altérer,
3 comme vous dites, les résultats qu'on tire de ces tableaux-là.
4 D'abord, ce sont des statistiques officielles fournies par les organi-
5 sations concernées, et je crois qu'on peut..... évidemment, si on a
6 des différences d'opinions quant à la compilation des revenus ou des
7 choses comme ça, et bien, là, on exige d'abord, avant de faire
8 quelque chose, on exige qu'ils contestent, à un moment donné ces
9 chiffres-là, - prouver leur propre cas quant à ça. Ca, c'est une
10 matière qui est le sujet, je crois, de la confusion, même des ta-
11 bleaux et des sources, qu'à un moment donné on a utilisé pour le
12 faire, je pense que validement, on peut s'en remettre à ces chiffres-
13 là, du moins, dans le travail que j'ai fait, moi je suis sûr que je
14 pouvais les utiliser absolument validement.

15 A I don't think that this may alter, as you
16 say, the result or the conclusions that would be reached from such
17 tables because in the first place these are official statistics as
18 supplied by the organizations or the Corporations concerned and I
19 think naturally if there are certain differences of opinion insofar as
20 the computation of incomes are concerned, well, before doing anything
21 whatsoever those who contest or object to these figures will have
22 to establish the proof. I think then outside the consideration from the
23 compilation of the tables themselves or the source that may have been
24 used in order to prepare these tables, generally speaking we can
25 rely upon these figures at any rate in the work I have performed
26 myself, I am sure that I will rely entirely upon them.

27 Q Would you agree that if they are not
28 correct -- if -- if they are not correct then the tables in which you
29 use these figures are also not correct?

30 R Bien là, c'est une question de savoir s'ils



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 sont corrects ou non. Ca, ça pourrait prendre.....

3 A Well, this is a question of knowing or
4 finding out if they were accurate or weren't.

5 Q I am asking you whether if they are
6 accurate or not -- I am saying if they are not accurate, if, then the
7 tables in which you use these figures are also not correct? Answer
8 yes or no.

9 R je ne peux pas répondre oui ou non,
10 purement et simplement, comme ça.

11 A I cannot answer simply by yes or no, just
12 like that.

13
14 MR. LALONDE:

15 I think the witness should give Mr. Maho-
16 ney a lesson on economics. It is well known
17 for anyone who knows economics it does
18 not matter that you have absolute figures,
19 exact, as such if the terms of all indices
20 remain the same, and even if you do make
21 an error at the beginning, if you continue
22 the same error over all the years then you
23 can use your index. In other words this
24 problem with the Department of Transport,
25 whether you use the Departmental Statis-
26 tics or the Corporation statistics provided
27 if you keep the same errors it is correct.

28 THE CHAIRMAN:

29 That is right.
30



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2
3 MR. LALONDE:

4 The same illogical point for a number
5 of years -- that doesn't matter. Your
6 index remains correct and that is why
7 this chapter has a mention of the point
8 of absolute figures.

9 THE CHAIRMAN:

10 If in chapter 2 there you use the Depart-
11 ment of Transport figures and taking the
12 year of 1940 as a base year we might
13 have the same index in column 3.

14
15 MR. LALONDE:

16 This will be well founded.

17 THE CHAIRMAN:

18 If there is an exaggeration there the point
19 Mr. Mahoney wants to make will be well
20 founded.

21 MR. LALONDE:

22 Well, the point could be founded, I would
23 say, only if one or the other groups changed
24 the rules in their own system once they
25 are in it and not whether there is a diffe-
26 rence between the figures provided by the
27 Department of Transport in absolute terms.

28
29 THE CHAIRMAN:

30 I will just give you an example: Just take



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 for the sake of example, let us say in
3 1944 they changed the basix superannua-
4 tion from five to ten per cent, and the De-
5 partment of Transport has computed this
6 as earnings and the pilots have not, --
7 then, of course, his earnings wouldn't
8 tally, the indices wouldn't tally.

9 MR. MAHONEY:

10 This is the effect of my question. It is
11 a hypothetical question. That is why
12 I particularly stressed in my question to
13 the witness "if" these are wrong.

14 MR. LALONDE:

15 There again I think the point is not quite
16 understood by my friend. It is not whether
17 the figures are wrong. It is whether there
18 is a logical change in the way of calculat-
19 ing the amount on the way.

20 MR. MAHONEY:

21 My lord, whether the principle of statis-
22 tics is understood by me or not is not the
23 question. I think I am entitled to ask the
24 question of the witness, to cross-examine
25 and to get an answer from the witness and
26 not from my friend.

27 THE CHAIRMAN:

28 That is correct.
29
30



1 ENGLISH QUESTIONS/ FRENCH ANSWERS

2 MR. LALONDE:

3 I am trying to help you.

4 THE CHAIRMAN:

5 You may put the question again.

6 MR. MAHONEY: Could I have the ques-
7 tion read back.

8 THE REPORTER:

9 I am asking you whether if they are accu-
10 rate or not -- I am saying if they are not
11 accurate, if, then the tables in which you
12 use these figures are also not correct?

13 Answer yes or no.

14 R Comme j'ai dit tout à l'heure, je ne
15 peux pas répondre oui ou non, parce que quand on dit: est-ce que
16 les chiffres sont vrais ou faux, ou enfin, est-ce qu'ils ont été compu-
17 tés comme il faut, etc., et bien, du point de vue des indices, comme
18 monsieur Lalonde l'a fait remarquer, si les gens ont été conséquents
19 dans leur méthode de calcul, ne s'entendant pas sur leur méthode de
20 calcul, mais étant conséquents, chacun de leur côté, et bien, ça
21 n'affecte pas la chose.

22 S'il y avait eu..... s'il y avait eu.....

23 je ne sais pas, des changements dans les méthodes de calcul, là,
24 évidemment, il y aurait peut-être quelque chose, mais quant aux
25 indices dans la série, étant donné que c'est relatif, je ne pense pas
26 que ça puisse affecter la validité de ces séries-là, si depuis x années
27 on a une controverse qui existe quant à la computation même, - parce
28
29
30



1 ENGLISH QUESTIONS/ FRENCH ANSWERS

2 que ce n'est pas le chiffre absolu qui compte, mais c'est simplement
3 l'indice de progression, en somme, qui compte.

4 A I cannot answer simply yes or no because
5 when we state are the figures accurate or not or were these figures
6 compiled as they should have been or so forth from the viewpoint of
7 indices as Mr. Lalonde has stressed, if this is a logical method of
8 computation, well, this has no bearing whatsoever and it does not
9 affect the results. If there have been changes in the system of
10 computation, well then, of course there would be something, but
11 insofar as the indices and the sources are concerned as which is
12 related, I don't think it might affect the validity of these sources,
13 since in the next number of years there is a controversy in existence
14 insofar as the computation itself is considered because the absolute
15 figure is not my aspect in the index of progression which is made.

16 Q Is your answer yes or no?

17 R C'est un oui qualifié ou un non qualifié,
18 d'après ce que je viens de dire.

19 A It is a qualified yes or a qualified no
20 according to what I have just said.

21 Q You agree that in the formulation of the
22 original argument if your basic premise is wrong your conclusions
23 will be wrong?

24 R Oui.

25 A Yes.

26 Q Is it not possible to give me a yes or no
27 answer to what I have just asked?

28 R Bien, évidemment, ici, on n'a pas affaire
29 à un syllogisme. La réponse n'est pas nécessairement la même,
30



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 mais de toute façon, je tiendrais.....

3 A Well, naturally here this is a syllogism.

4 The answer cannot, of course, be about the same.

5 Q Witness, for the purposes of your statis-
6 tical computations it doesn't matter whether the facts which are
7 used as a base for these statistics are true or not?

8 R Il est important - il est sûrement
9 normal que lorsqu'on fait un travail de statistiques, qu'on travaille
10 sur des faits réels, ça va de soi.

11 Là, je ne vois pas très bien la relation
12 entre la véracité d'un fait, selon l'opinion qu'on peut en avoir, et
13 le fait qu'il existe de toute façon. C'est comme, pour revenir à ce
14 que je voulais dire tout à l'heure, différentes personnes peuvent
15 faire des calculs différents pour arriver à computer ou à compiler
16 certains..... par exemple des salaires ou des coûts, ou des choses
17 comme celles-là; il y a des méthodes alternatives qui existent,
18 mais les uns pourront croire que telle méthode est plus valide pour
19 compiler tel revenu. Les autres diront: non, c'est de telle façon que
20 c'est mieux de le faire. Maintenant, ça, on reste toujours dans le
21 domaine des opinions.

22
23 Par ailleurs, ce qu'on a pris ici, ce sont
24 des chiffres officiels, qui nous ont été fournis, et tout ce que mon
25 travail a consisté, ç'a été, en indices, de façon relative, de mettre
26 ça là, et le mettre en regard de certaines autres professions.

27 Ca fait que je ne pense pas - là-dessus,
28 c'est difficile de parler de "truthfulness" de véracité des faits ou
29 non; qu'est-ce que vous voulez.

30 A ce compte-là, on pourrait questionner



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 toutes les statistiques du Bureau Provincial de la Statistique, à
3 savoir si elles ont été bien prises, si elles rendent compte de chaque
4 question, etc.; si le nombre de répondants dans les questionnaires
5 qu'ils envoient à l'industrie ont été complets, est-ce qu'on a envisagé
6 le questionnaire, le mode d'échantillonnage, etc. Il y a toute une
7 série de sous-questions qu'on peut se poser, et évidemment, les
8 résultats pourraient varier si on avait refait une, deux ou trois fois
9 le même procédé pour arriver à une moyenne de résultats encore
10 plus parfaits, mais.....

11 A It is certainly normal whenever we under-
12 take statistical work that one should work upon true facts, of course,
13 but I don't see the relationship here between the true aspect of the
14 fact according to the opinion that one might have about the fact and
15 the fact that this fact exists. It is like if we got back to what I stated
16 beforehand, different persons may establish different compilations
17 or use different methods of compiling in order to compare wages or
18 costs or so forth. You have also alternative methods in existence.
19 Some people believe that one method is better in order to compile a
20 given income and the others will say no, we should compile this income
21 according to this system. Of course, that is a matter of opinion.
22 On the other hand, what we took here were official figures which
23 were supplied to us and the only thing that I had to do in my work was
24 to indicate in indices in relative fashions, to put it in the table and
25 to try to put it against other professions and naturally in that field
26 it is difficult to speak about a true aspect of fact or not because,
27 according to that it is a question of the statistics in the Dominion
28 Bureau of Statistics in order to find out if all the surveys have been
29 well done and if the answers given by the people to questionnaires
30



1 ENGLISH QUESTIONS / FRENCH ANSWERS

2 sent to industries were complete and it is being accomplished with
3 the sampling method or established from many questions that one
4 might ask oneself, and naturally the results could vary if we had
5 started the same process once twice or three times in order to get
6 a better perfected method.

7 Q I think I am satisfied with that answer,
8 witness. I have only one further question for you. You say that the
9 figures which you used and which you received from which you drew
10 official premises...

11 A The figures which...

12 Q The figures relating to revenues which
13 you have called official figures, those figures were the figures
14 supplied by the various pilot Corporations?

15 A Yes.

17 THE CHAIRMAN:

18 We will have a short recess.

20 (Short recess)



1 FRENCH

2 CROSS-EXAMINATION BY MR. JACQUES:

3 Q. Mr. Cardin, if I understand your
4 evidence properly the indices are relative figures and
5 whatever the absolute figure or true figure -- for example
6 if a suggestion is made that such amount should be inserted
7 and the gross income it doesn't matter to include it or
8 not, the index will be the same?

9 A. If we accept all the computations of
10 figures the index represents only the relative aspect of
11 income from one year to the next.

12 Q. I notice that you have taken the gross
13 income of pilots while in the other tables you have referred
14 to the net annual income?

15 A. Yes.

16 Q. That is correct?

17 A. Yes.

18 Q. Well, I refer for example to table 8.
19 I think you stated yesterday that the difference between
20 the average annual gross earnings of pilots and the average
21 annual net income of pilots would represent about 1.5
22 points on your index?

23 A. Well, I think this varied from the
24 years 1946 to 1960 by 1.5 for administration costs and
25 so forth up to 4% of the gross earnings in 1960.

26 Q. Well, 4% represents 4 points in the
27 index?

28 A. 4% of the income in absolute figures.

29 Q. Would that represent 4 points in your
30 index?



1 FRENCH

2 A. 4%, yes.

3 Q. Then it would represent 4 points?

4 A. Starting with 100.

5 THE CHAIRMAN: In the index used in the

6 table. MR. JACQUES: So the indices you gave in Table 8

7 are approximately of 4 points? A. Yes. One-o-four to one

8 eight four. Q. You also told us yesterday that the index

9 of salaries follows the index of productivity as a general
10 rule?

11 A. Yes, I think that over a long period
12 of time one can assert that the index of salaries has
13 a certain tendency to follow the index of productivity and
14 I stress tends to follow, but not follow it in a consistent
15 fashion. / during The whole period of time because over a short
16 period of time there might be certain discrepancies which
17 may vary according to the sectors or the different groups
18 under study or the industries concerned, but over a long
19 period of time the index of salaries tends to follow the
20 index of productivity for the sectors concerned.

21 Q. Now, if the index of salaries exceed
22 the index of productivity well, what would be the meaning
23 of that?

24 A. Well then we need a slight economic
25 analysis. If the index of salaries in nominal terms
26 exceeds the index of productivity, well, this may be sort
27 of in a inflationary state, that is to say, that the salaries
28 paid are more to the worker than what he produces, really.
29 It is economic goods, so in the last analysis it is purchas-
30 ing power. That is why the increase in wages which are



1 FRENCH

2 asked, whenever there are more collective bargainings
3 going on or collective agreements, well they shouldn't
4 exceed the value of the factor reimbursed because these
5 wages would be inflationary, that is to say there would
6 be more money which would be given to these people than
7 they should receive in accordance with the value of what
8 they have produced, economically speaking.

9 Q. If I understand properly, the wages
10 have increased faster than productivity, if the index of
11 the salary exceeds the index of productivity?

12 A. Yes, if the index of salary or wages
13 exceeds the index of productivity of the...

14 Q. Of the same group?

15 A. Yes, of course I always refer to the
16 same group.

17 Q. These indices which are computed in
18 your works, can they be compared one with the other?
19 Could you please refer to table 8 column of Mid St.
20 Lawrence pilots and Lower St. Lawrence pilots, the index
21 for the year 1946 was of 65.1 and the index of the year
22 1960 for the pilots in the St. Lawrence was of 188.8.
23 Consequently, there was an increase of the index, or
24 difference between both of 123.7. You follow me?

25 A. Yes.

26 Q. So I follow the same procedure for the
27 Lower St. Lawrence pilots and get a difference of 142.2
28 in the indices of the year 1946 and 1960?

29 A. Yes.

30 Q. Could you please turn to table 10 on



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2 page 90 of the English text. This table shows the indices
3 of productivity. Now if I restrict myself to the years
4 1946 to 1960, that is the periods mentioned in table 8,
5 if I establish the difference between index of the year
6 1946 and that of 1960, then I get a result of a difference
7 of 103 in the increase of productivity of pilots Montreal
8 Quebec, whilst the increase of wages of these pilots, that
9 is the difference between both is of 123.7. Would that
10 indicate a certain type of inflationary trend in the
11 earnings of pilots?

12 A. Not necessarily so because here, of
13 course, whenever we speak about inflationary trend, due
14 to the fact that the wages exceed productivity, well ~~this~~ is a
15 total term, which could apply to the economy as a whole
16 because at a given time you may have some incomes that
17 were weak or low in a given year and in the interim may
18 have been higher and, consequently, the difference between
19 the first year and the last year in the period under study
20 may eventually be greater than that of another index,
21 such as the one of productivity but it does not mean,
22 as a rule, that it would be an inflationary trend because
23 we may have started at a point where the income or the
24 wage was lagging behind the productivity at a given time
25 and consequently the progression may have been at a faster
26 rate than it is for the economy as a whole.

27 MR. LALONDE: One moment, I would like the
28 witness to finish what he started to say.

29 Q. Please continue.

30 A. I was saying that it was the same thing



1 FRENCH

2 as for the economy as a whole. We know that the index,
3 not the index, but the wage share, for example, the income
4 from wages within the economy has progressed considerably
5 during the past fifteen years and, in consequence, the
6 wages and I think I can say, without making a mistake, that
7 at the income from wages within the economy because this
8 maybe subdivided into two different sectors, for example,
9 the share for investments, wages and so forth you have
10 different economic factors which are included in the gross
11 national product but the wages share has increased far more
12 than the other shares and this does not mean that there
13 has been an inflation caused by the increase in wages,
14 but it is simply due to the fact that the origin of the
15 period under study, the salaries of these people was so
16 inferior to the true productivity they were putting into
17 the economy, that they were able to increase their income
18 in real terms.

19 Q. Now if we take as a base year 1948
20 and we admit that the pilots' earnings at that time were
21 in direct proportion with their productivity, consequently,
22 it was adequate earnings -- I do not contend so, but I
23 ask you to suppose that in the year 1948 the pilots'
24 earnings were adequate, what would the lag between the
25 two indices indicate, especially the fact that the index
26 of income exceeds that of productivity.

27 MR. LALONDE: Excuse me my lord, I think that
28 my colleague did not present the facts in their true light
29 because if we take the year 1948 as a base year, as you
30 have just said that is 100, equivalent to 100 in table 8



1 FRENCH

2 and also in table 10 it's also 100, and we compare the
3 year 1948 with the year 1960, in which case I do not think
4 it would be right to say that the index of productivity
5 is inferior to the index of earnings.

6 If we go from the years 1948 to 1960 for the
7 Lower St. Lawrence, we have from 100 to 208.2 where the
8 difference would be more than 100, this was from Quebec
9 to Escoumains, the difference would be of 157.9, unless I
10 have misinterpreted that. I do not think he has presented
11 the situation in its true light.

12 MR. JACQUES: I am not so much concerned with
13 the accurateness of figures as with the principle. I am
14 going to alter my question.

15 Q. Let's take the year 1946 as representing
16 the earnings of the pilots in proportion to his productivity.

17 A. Now what you are saying I presume is to
18 make an assumption, in other words, a theoretical propos-
19 ition?

20 Q. Yes. I don't contend that the wages of
21 1946 were adequate, but what would the lag between the
22 indices mean?

23 A. Well this difference in the indices
24 would simply mean that in real terms the income of the
25 type of employee concerned has increased in relation to
26 the first year under study in this period of time. Now
27 we hesitate to say that this would have an inflationary
28 trend because naturally we could suppose that/a given
29 time, certain type of worker has received as wages exactly
30 the amount that was provided, according to the productivity



1 FRENCH

2 but in the case of such an assumption, if they received
3 more in money, in the course of that period, than they
4 really give in terms of economic injection, then at the
5 given time it may become an inflationary factor.

6 Q. Thank you.

7 A. But I also want to draw the attention
8 to the fact that the average index of productivity in
9 the region of Montreal-Quebec has increased by 126.4
10 between the years 1946 to 1962.

11 THE CHAIRMAN: I am referring to the year
12 1960 because table 8 only goes to the year 1960 and I was
13 indicating Mr. Jacques started with the year 1946 while
14 Mr. Lalonde started with the year 1948 and the difference
15 in figures between 1946 and 1948 on table 8 is 35 while the
16 same difference in table 10 is only 6, so that is why the
17 difference between the figures of Mr. Lalonde and Mr.
18 Jacques exist.

19 MR. JACQUES: I am sorry, my lordship, my
20 colleague was perfectly right when he objected to this
21 question. I was referring to the year 1948 because it
22 was equivalent to 100 but in fact the question has been
23 altered and the answer is not effective.

24 MR. LALONDE: And I think that this also raised
25 the problem that the assumption of the equivalent between
26 productivity and the wages was an assumption that was far
27 fetched because of the leap of more than 30 points within
28 two years which leads to an understanding there was a sort
29 of compressed or contracted demand during the war, and
30 after the war well---



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2 THE CHAIRMAN: Mr. Cardin, we are making a
3 comparison with certain professional people but mostly with
4 salaried people. Any comparison is lacking if you compare
5 the status of the pilots, which is a very different status,
6 from the one of salaried people. Could you designate a
7 number of trades or professions which would come closer
8 to the pilotage?

9 THE WITNESS: Amongst the salaried professions?

10 THE CHAIRMAN: Yes, salaried or craftsmen or
11 where there is an urgency factor, that is people doing
12 work that has to be done right away without any waiting
13 period; also this is not completely a free profession
14 because the income is fixed by certain rules. I had in
15 mind maybe the doctor, the general practitioner?

16 THE WITNESS: Yes, this is the example I gave.
17 When a call is made, the general practitioner would
18 receive a call at any time of the day or night and is
19 urgently required. Now I am trying to think of some other
20 professions that could be compared.

21 THE CHAIRMAN: I thought of the team of first
22 intervention, like the telephone company or electricity
23 company?

24 THE WITNESS: No, not exactly, because they
25 were call teams. There is a category of industrial workers
26 in different companies who are paid not on an hourly basis
27 but by week or by month because they are on the maintenance
28 or servicing and they are liable to be called at any time.
29 When we ask them what is their normal work period, they
30 cannot tell us because they are on call. They can be



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2 called at eight p.m. or at midnight or if there is a break
3 in the power line -- maybe that category of workers could
4 be -- there is certainly a similarity with the work of
5 the pilot.

6
7 CROSS-EXAMINATION BY MR. BRISSET:

8 Q. Mr. Cardin during your studies, or to
9 prepare the work which you have described, did you study
10 the Maritime operations economy or its role in the economic
11 life of the country?

12 A. Well I don't want to overstate the
13 studies that I have done in this sector of the economy,
14 but to prepare this brief I had frequent talks with some
15 people. We tried to acquire knowledge by briefs or studies
16 made on the subject. Also I have looked at the shipping
17 reports from Ottawa and with all the explanations they
18 give in the first pages of the reports, in the forward,
19 they give definitions, explanations of the terms. There
20 I obtained certain global opinions on the case which helped
21 me. I believe that this preparation and the talk I had,
22 reading the reports and statistics and so forth, the annual
23 reports of the Montreal Harbour, this is the type of
24 knowledge I acquired.

25 Q. You said that you questioned interested
26 people. I suppose you have in mind the pilots as the
27 interested people?

28 A. Yes.

29 Q. Did you talk to ship owners or any
30 other people operating ships?



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2 A. No.

3 Q. Have you read any books? Did you read
4 any books on the shipping operations and the circumstances
5 of shipping operations?

6 A. No. Outside of what I mentioned. No.

7 Q. Mr. Cardin I would like to draw your
8 attention to chapter 3 paragraph 140. You say in that
9 paragraph: In contrast with the majority of other
10 professions and a number of paid occupations in different
11 sectors of activity the pilot is accorded no respite from
12 embarkation until the end of the trip. What do you mean
13 by "respite"?

14 A. I have tried to explain it yesterday
15 during my evidence. All I wanted to say here, and this
16 term may be too strong, I wanted to say that the pilot
17 was on duty for the whole period of the trip, whatever
18 the length of the trip, the hardships or whatever the
19 type of ship he is piloting and that he was not given any
20 rest during the -- for fifteen minutes, any break of
21 fifteen minutes, or coffee break or anything of that type,
22 where you have these pause periods where you could relax.

23 I did not want to imply, if the term is too
24 strong I would correct it, that the pilot necessarily
25 spends his time giving orders and working for the whole
26 trip. He is on duty. He is responsible for the full time
27 without any interruptions and it is important. It had to
28 be mentioned. This is why I mentioned it.

29 Q. So to summarize your answer, one could
30 say that the pilot is not given any rest during his work



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2 period?

3 A. Yes.

4 Q. In this respect do you put the ship
5 master in the same position?

6 A. I cannot answer this because I have no
7 knowledge of the work of a ship captain.

8 Q. But do you think there would be some
9 similarity between the position of a ship captain and the
10 pilot's work?

11 A. It may be so but I would have to study
12 closely the details of the task of the Captain.

13 Q. In paragraph 141, page 53 of the English
14 text you say: "On board the vessel the pilot enjoys an
15 authority which, after a fashion, is delegated by the
16 Captain but the latter does not abandon his command." Later
17 on you say "he exercises a factual authority without, at
18 the same time, assuming the titles to it." What do you
19 mean by assuming the responsibility of the vessel's
20 operation?

21 A. Well I mean that it is the responsibility,
22 when the pilot embarks and does his work; in that case I
23 think he has the responsibility of manoeuvring for the
24 duration of the journey. That is why he is there.

25 Q. In other words you are limiting the
26 meaning of the term "operation" to the manoeuvring of the
27 ship?

28 A. Yes, but manoeuvring the ship in the
29 channel.

30 Q. But as regards all the other operations



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2 which are not concerned with the maneouvring, the pilot
3 has no word in it?

4 A. I don't believe so.

5 Q. Still in the same paragraph you say:

6 "Such a state of affairs always places the pilot in the
7 delicate position vis-a-vis the crew." Could you explain
8 why the position is delicate and to limit my question I
9 would like^{you}/to put yourself on the ship's bridge during the
10 manoeuvring.

11 A. Well I said this because I had noted
12 before that the pilot enjoyed an authority which is, after
13 a fashion, delegated by the Captain but rather under his
14 command. In practice, when the pilot is on board the ship
15 he is assuming an authority which in fact is higher than
16 the status he has on board the ship because the Captain
17 retains his command so there could be a conflict in the
18 manoeuvres to be made so in the sense he is sharing his
19 authority with the Captain vis-a-vis the crew. There may
20 be problems because when you have a delegated authority
21 there is always this delicate problem in human relations to
22 know exactly what is your exact status and how you are
23 judged by the subordinates, so there is a certain ambiguity
24 in the status between what you do, the authority you have
25 in fact in practice and the legal authority that you have.
26 This is the difference in the formal and informal relations,
27 and you have some people at certain level in the heirarchy
28 are not or are at a certain level, but in view of the
29 circumstances, receive authority which is much higher than
30 their own status. It may be that at certain times they



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2 have conflicts. This is the problem of the formal and
3 informal and human relationships in general and in the case
4 of the pilot I imagine that there are the same types of
5 relationships involved.

6 Q. If I were a pilot on the bridge who
7 decides what manoeuvre is to be done, I presume you know
8 I would have to give instructions to the man at the wheel
9 and so when you said delicate position vis-a-vis the
10 crew, I think the only delicate position there could be
11 between the pilot and the Captain who always has the power
12 to cancel the order given by the pilot.

13 A. So you want to mean that the delicate
14 position is between pilot and Captain and not between the
15 pilot and crew? No, I do not think so. I think the
16 delicate position is between crew and the pilot and certainly
17 vice versa but I think there could be delicate relations
18 between the pilot and the crew because the crew is under
19 the authority of the Captain the crew has to act upon the
20 orders given by the pilot.

21 Q. Do you believe that in the circumstances
22 which I have described there could be a conflict between
23 the pilot and the helmsman to whom the pilot orders to
24 steer on the right?

25 A. Well I am not a technician. I am not
26 a pilot.

27 THE CHAIRMAN: Are you going to start a new
28 point? Then we will adjourn until 2.30.

29

30



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2 ---Upon resuming at 2.30 p.m.

3
4 CROSS-EXAMINATION BY MR. BRISSET CONTINUED:

5 Q. Mr. Cardin, when you talk about working
6 conditions of pilotage and you use the word pilots, am I
7 to understand that you mean a pilot in the organic sense
8 of the word, a pilot in general?

9 A. To what other notion would you refer
10 aside from that one?

11 Q. Am I to understand that you ~~refer~~ understand
12 only to St. Lawrence River pilots?

13 A. No, I am talking about the duty of a
14 pilot doing pilotage work.

15 Q. As it is understood generally speaking?

16 A. With perhaps a more explicit reference
17 towards those who do some pilotage work on the St. Lawrence.

18 Q. In other words, for example, from the
19 point of view of pilotage on board a vessel do you place
20 the pilot in the St. Lawrence in the same situation as
21 the man on the west coast who offers his service as a
22 pilot in order to take a ship inside an estuary or harbour?

23 A. Well, I take the way of pilots, not --
24 in the sense only of organized pilots who work in the St.
25 Lawrence Seaway in that sense.

26 Q. So, in your own words, one who works
27 on the Atlantic coast and who may also be organized and
28 may offer his services in order to take a vessel inside a
29 harbour or go upstream on a river and according to you
30 that pilot wouldn't belong to the same category as a St.



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2 Lawrence pilot?

3 A. Well, I am not familiar with all these
4 different distinctions existing between different categories
5 of pilots, but just the same I think there are certain
6 similarities between both.

7 Q. So, the pilot I have in mind, that is
8 the seaman, for example, who offers his service to a
9 vessel in an estuary or harbour is a pilot who would have
10 the same authority as the one enjoyed by the St. Lawrence
11 River pilot who pilots his vessel on the river?

12 A. I couldn't tell you exactly because I
13 am not too well informed about that.

14 Q. Now, insofar as the Captain's duty
15 or ship's master's duty is concerned do you consider that
16 man is a professional?

17 A. I must confess I am not -- you can
18 always answer questions off hand, but I didn't try to
19 envisage answers to the questions when I was undertaking
20 this work by drafting the brief.

21 Q. Do you consider him being a kind of
22 self employed person?

23 A. Well then, I would like to make a
24 more precise investigation of the wages of the Captain or
25 ship's master as a fact, a thing which I didn't do.

26 Q. According to your knowledge about the
27 respective duties of a pilot and of a ship's master do
28 you think there are certain similarities or differences
29 between both statuses?

30 A. Well, the information that I could give



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2 you would be simply that of a layman. From that point
3 of view, in order to be able to compare in a detailed
4 fashion the duties of both, I wouldn't like to start such
5 a comparison.

6 Q. In your brief or rather in the chapters
7 of your brief that you have drafted yourself you talked
8 about a requirement of the tasks of the pilots. Did you
9 also think about certain advantages which a pilot has as
10 compared to the advantages of being a ship master?

11 A. Naturally there are certain advantages
12 in being a pilot as there are certain advantages and
13 disadvantages existing in every other type of profession,
14 but for the purpose of the chapter or especially to pin-
15 point merely the requirements and demands of the task,
16 even worse than the advantages of such. When we evaluate
17 a job, generally speaking it is in terms of what is
18 required from the job. It is more so than in terms of
19 personal psychology or human compensations. In the industry
20 whenever you proceed to a job evaluating programme, well,
21 first of all you describe the task itself, the job, and
22 then you think about the other factors which must be
23 considered for the performance of the job and then you
24 enumerate them and finally you get to the final job
25 evaluation. This is always in terms of demand and not in
26 terms of compensation because this would be a personal
27 factor. Many people might prefer working by night than
28 by day even if the task were harder to accomplish at night
29 than in the daytime for personal reasons which come outside
30 from the basic advantages. They are of a personal order



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2 so in that sense I undertake that analysis.

3 Q. Do you know if, for example, that
4 according to the Canada Shipping Act the personal
5 responsibility of the pilot for damages that he may cause
6 on account of his negligence are restricted to the amount
7 of \$300.00?

8 A. I knew that there were certain
9 restrictions or limits as regard the amount of responsib-
10 ility but this is only a notion that I have about that
11 because I didn't read all the different sections of the
12 Canada Shipping Act.

13 Q. Taking for granted that such a limit
14 exists do you think it might be considered as what is
15 called in English a fringe benefit?

16 A. No, because it is not -- cannot be
17 put into money. It is not inclusive in the income, your
18 salary. What you call a fringe benefit would be something
19 that could be expressed in monetary terms and which may
20 be included in the income as it is obtained.

21 Q. If I tell you that if such a limit
22 did not exist the pilot as a contractor should be insured
23 in order to cover that responsibility would you change
24 your mind and consider that benefit as being a fringe
25 benefit? Don't forget that he is a contractor or self
26 employed?

27 A. Well, perhaps, there are certain
28 elements that might be taken into account in that respect.
29 I must confess that I didn't do a comprehensive study of
30 this whole insurance system, but professionally speaking,



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2 before answering yes or no to that question I would prefer
3 to see the situation as it exists and what kind of infor-
4 mation could be given about that.

5 Q. Now let us pass on to another subject
6 Mr. Cardin, you perhaps know that the Marine employer who,
7 let us say has a ship's master to hire on his vessel is
8 free to accept whomsoever he wishes and to reject who he
9 doesn't like? You know that?

10 A. No, I couldn't say that I know that.

11 Q. You don't admit that the Marine employer
12 is entirely free to choose a ship's master that he wants
13 to hire?

14 A. It is quite possible. I don't deny it.
15 I just say I don't know it.

16 Q. Do you know that as regards to pilots
17 that the vessel having such a pilot has no right to refuse
18 a pilot unless the pilot is not in a physical state to
19 manoeuvre, that he is intoxicated, for example, you know
20 that?

21 A. I know there is a certain turning point
22 that must be met according to the provisions established
23 for the pilots that are to go on board. I think there is
24 an assignment list and the pilots after one ship will go
25 on the bottom of the assignment list and so forth, there
26 is kind of a rotation established.

27 Q. Do you know that the ship's master has
28 no right to refuse a pilot who goes to his vessel who has
29 his name first on the assignment list?

30 A. I think you are right.



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2 Q. You think that this situation is an
3 advantage from the point of view of the practising pilot?

4 A. Well, it is certainly appreciable for
5 the pilots, for the organized pilots, I suppose, that they
6 have obtained or reached such an objective. It certainly
7 was quite a valid objective to reach. I agree.

8 Q. You also know, Mr. Cardin, that pilotage
9 dues or earnings of a pilot from his pilotage work is not
10 submitted to the law of supply and demand just like any
11 other type of service in the field of trade?

12 A. It depends on what you mean by the
13 interplay of law of supply and demand in such a field.
14 You know this law of supply and demand doesn't have a
15 great deal of play in the field of industry and commerce.
16 For example whenever you have to negotiate with a trade
17 union and in industry they have some clause, special
18 clause or closed shop, for example in a clause which prevents
19 the hiring of non-union members, and these clauses
20 restrict the law of supply and demand. This is because
21 naturally the law of individual liberty is channelled
22 to certain questions, that this is quite inherent to a
23 union.

24 Q. Don't you think that a pilot would be
25 in a more privileged situation than any other type of
26 contractors in that respect?

27 A. Well, I wouldn't say it is more
28 privileged. I don't see there is such a great difference
29 as compared with other industrial sectors of unions that
30 I know about.



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2 Q. Do you know that -- do you know cases
3 in the industrial field where the worker or the contractor
4 who has to perform a certain type of duty is paid his wages
5 or remuneration in cases where he wouldn't perform his
6 duty for which he was supposed to be paid?

7 A. Well, we have similar cases to that,
8 for example, in collective agreements, generally speaking.
9 I couldn't give you a percentage of cases where it occurs,
10 but generally speaking at any rate you have cases of what
11 you would call in English call and pick -- that is to say
12 remuneration which is repaid to the employee who goes to
13 work when there is no work to be given him due to the
14 fact that he couldn't work even if he stays only five
15 minutes walk from your plant. Naturally you have certain
16 clauses such as that. If it is for half a day, or let us
17 say for three hours -- it may vary depending on the
18 collective agreement, but this principle is accepted and
19 there are many cases where the services as such is not
20 rendered but there is a certain element of remuneration.
21 This is an example that comes to my mind.

22 Q. Could I give you an example then, let
23 us take the case of a stevedore who is called upon to
24 work at eight o'clock in the morning but the vessel
25 doesn't reach the harbour until ten o'clock and subsequently
26 the stevedore will start his work at ten o'clock and he
27 will be paid naturally for the two waiting hours on the
28 dock from eight to ten?

29 A. I couldn't give you an accurate answer
30 about that because I would have to examine closely the



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2 working agreement, but I think that if they have an
3 allowance in that case, in a particular case it is quite
4 important.

5 Q. On the other hand, Mr. Cardin, a vessel
6 who doesn't have a pilot in the District around St.
7 Lawrence, even when the pilot doesn't have to go to the
8 vessel, well, the ship owner will have to pay for the
9 salary of the pilot, even if the pilot had performed his
10 duty as a pilot going on it?

11 A. Yes.

12 Q. Don't you think that this is a special
13 advantage which is granted to the practising pilot?

14 A. I don't deny that this is an advantage,
15 but naturally there are other types of considerations that
16 would affect him here. I know of an instance of such an
17 situation. I think the whole operation of pilotage -- it
18 is a necessary pattern. On that question -- on the other
19 hand here you have certain similarities with the ordinary
20 wage circle where, for example, I am thinking about a
21 particular case of musicians who have certain clauses in
22 their working agreements and even if only one musician
23 is asked for you pay for three and even if he plays for
24 a certain period he is paid the same. I couldn't give you
25 the details because I don't have them right off, but I
26 know there are many union privileges that exist as such
27 and which are drafted in order to give a certain basic
28 remuneration that would be adequate and would serve as a
29 kind of protection.

30 Q. As we are still on that subject matter,



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2 do you know that during the winter season on the St.
3 Lawrence River whilst according to the by-laws two pilots
4 are to go on board the vessel they have to pay for two
5 pilots even though there is only one in attendance?

6 A. Specifically about that information I
7 am not aware.

8 Q. If you had a situation similar to the
9 one -- two musicians which you made mention of?

10 A. Well, there is a motive -- the reason
11 of safety, for example in the case of the two pilots which
12 you mention. The same thing applies in the aircraft. There
13 are two pilots. One is there and the second one is on
14 standby in case the first one would have a breakdown or
15 something. Well, I mean this -- there is a very strong
16 reason for security, safety. In the other case of the
17 musicians which I mentioned beforehand -- perhaps this
18 couldn't be as well defended because there is no reason
19 for safety it is only a case of a union advantage obtained
20 by the members and it is not as justifiable as in the case
21 of the pilots.

22 Q. In the example I gave you, Mr. Cardin,
23 the second pilot which I mentioned wasn't on board the
24 vessel, but stayed home?

25 A. Oh, well.

26 Q. During your evidence you mentioned
27 the Captain on board an aircraft, aircraft Captain. I
28 think you quote, you have reference to the aircraft pilots
29 on page 64 of the French text regarding their hours of
30 work and you have filed as an Exhibit a type of agreement



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2 which I would call a collective contract. Could you please
3 tell me if you find a certain similarity between the work
4 performed by the Captain on board an aircraft and the duty
5 of a pilot on board a vessel?

6 A. Any comparison always has certain
7 weaknesses.

8 Q. Don't you think it is particularly weak
9 in this case?

10 A. I don't think so because after all we
11 are in the field of transport, one is by water and the
12 other one by air. I will speak about the responsibility
13 of the cargo, of the staff and so forth -- all these
14 elements can be reconciled fairly well. From that point
15 of view I would think that the comparisons are justifiable
16 for the very good reason that it has been made, in regard,
17 to the average number of hours weekly or a monthly basis
18 that each of the two pilots, that is the water pilot or the
19 air pilot performs. Perhaps there is quite a complete
20 and overall similarity between the duties of both positions,
21 but insofar as the principle that states that the number
22 of weekly or monthly hours may not be too high in the case
23 of the aircraft pilot, well, I think this is a valid
24 element of comparison with the number of hours that were
25 found slightly small in the case of the vessel pilot
26 because of the demands of each job and the similarity in
27 this field, that is the field of transport and responsibil-
28 ties which may very well be compared to a certain degree
29 and that discussions were upon hours or the work load
30 expressed in hours because in this well, we have the basis



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2 for comparison.

3 Q. Do you consider the aircraft Captain as
4 a contractor, self employed professional or salary person?

5 A. Well, technically speaking he is
6 salaried.

7 Q. Whatever the basis upon which is
8 salary is computed according to the clauses of his contract,
9 nonetheless he is salaried?

10 A. Yes, he is salaried with a schedule of
11 pay which is quite far from the normal scale based on
12 hourly wages or weekly wages because there you have to
13 compensate the idea. You have a basic rate of a certain
14 allowance which may vary in accordance with the services
15 rendered in each case. It is important to stress that

16 point. ^{Q.} Now, Mr. Cardin, in regard to paragraph 143 on
17 page 54 of the English text this states that "The pilot
18 must without hesitation adapt himself to the different
19 milieux which render his task even more different psycholo-
20 gically". Is it not a characteristic of any professional
21 type of work?

22 A. As I stated previously I don't deny through
23 this paragraph that there may be other professions where
24 the conditions may be similar, but that the work I had to
25 do was speak about pilots and consequently that is why I
26 spoke about them. I wanted to tell you that on the other
27 hand as I explained in industrial psychology there is a
28 constant type of stress, readaption which must be accompl-
29 ished despite the fact that a pilot may be an old hand in
30 his profession and be used to changing from one environment



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2 to another one because he changes his environment constantly
3 and has new tasks given to him and there is a readaption
4 process going on constantly. Is it not the same thing with
5 a person who works constantly in the same type of work.

6 Q. I would like to go back to the question
7 I was asking you which was of a general order. That is:
8 Do you think that the adaptation to different working
9 environments, is it not one of the characteristics of a
10 profession rather than of manual work, craftsmen?

11 A. Perhaps you are right about that, but
12 in the case of professional or liberal professional well,
13 the environment within which the different professional
14 actions are exercised may vary, but nonetheless, in the
15 case of a doctor who practises in the hospital, well,
16 physically and humanly the hospital environment is constant,
17 much more so than it would be in the case with a pilot
18 going always on board different vessels. It is a question
19 of degree and I think degree is most important here.

20 Q. Now, there is another point which I
21 would like to clarify and upon which I would like us to
22 agree. Is a pilot a professional man or a worker, and when
23 I refer to a worker I mean a craftsman or what is called
24 in English a labourer? Could I have a categorical answer
25 from you about that?

26 A. Well, I think he is professional.

27 Q. Taking for granted that the pilot is
28 a professional man do you think it would be fair when you
29 work on statistics to compare a professional man with a
30 worker or labourer?



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2 A. Well, I think in the brief I have
3 certain reservations about that. I stated that naturally
4 we compare from time to time the sector of pilots which
5 we may consider as a professional sector as compared to
6 salary people, for example when I made the survey of the
7 industries of wages for the manufacturing industry, for
8 example, It is true it is difficult, but this is why the
9 comparison may be valid to a certain extent because when
10 we want to find out what a group within a community --
11 what this group does, what he is entitled to as far as a
12 share of the income at the national level is concerned,
13 well, we must compare it with all other sectors, different
14 sectors and consequently from that viewpoint the comparison
15 is valid. I know that certain studies have been undertaken
16 in the case of professors where their wages are compared
17 with plant workers. This is a weak comparison, but just
18 the same it is essential to make such a comparison in
19 order to find out what degree they have reached in compar-
20 ison with other professional classes or certain other trade
21 classes within the Community, and from that viewpoint I
22 think in order to have a fair idea of a situation of a
23 group within a given community one must go outside the
24 professional circles as such in order to find out the
25 relation to the rest of the economy, in other sectors,
26 that is the wage earners and others, and it is from that
27 viewpoint that I made the comparison.

28 Q. Could you please refer to page 55 of
29 the brief, English text, paragraph 148. Towards the end
30 of that paragraph you state the following: "This factor



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2 naturally depends on the seasons and their climatic
3 conditions and the difficulties encountered in the case
4 of fog, of ice or of other such phenomena. In these
5 cases the pilot besides exerting a greatly increased
6 effort will often have to prolong his vigilance without
7 the possibility of rest" and so forth. When you prepared
8 that brief were you informed that during the winter season,
9 that is from December 1st to April 8th the vessels in the
10 St. Lawrence District were to have on board the two pilots
11 who would replace one another every four hours?

12 A. I know there is a type of rotation
13 going on.

14 MR. LALONDE: Is your question there are two
15 pilots on board replacing one another every four hours?

16 THE WITNESS: That is the question I was
17 going to ask, are they on duty at the same time or one
18 after the other?

19 MR. BRISSET: Q. What is the type of
20 information you got that?

21 A. Frankly I couldn't answer.

22 Q. So you weren't told for example that
23 one would replace the other for a certain period of time?

24 A. I think so, but I don't-- I wasn't
25 aware, for example, that they were both on duty at the
26 same time.

27 Q. So in that case there would be the
28 possibility of relaxation for the pilot who was being
29 replaced?

30



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2 A. Well of course.

3 Q. Now Mr. Cardin, I would like to refer
4 you to page 60, paragraph 153 at page 58 of the English
5 text. You say that there are considerable variations in
6 the lapsed time between the moment a pilot is called and
7 the official time of departure. Could you tell me what
8 you had in mind when you were using these words?

9
10 ENGLISH

11 MR. LALONDE: I am showing the witness Exhibit
12 767 with the appendix which is how to fill out this form
13 which was used by the pilots in filling this.

14
15 FRENCH

16 A. Well on the general remark how to fill
17 up the form, you have notes 2 and 3 and in note 2 it is
18 said that the information given should be exact and
19 precise. Note 2 the time ~~the~~ call which should be
20 indicated is the time ordered, in order to go to the
21 station or to take a bus or train, to reach a ship which
22 is at the other station. For example, if a Montreal
23 pilot is called at eight p.m. to embark in Three Rivers
24 at seven a.m. the next morning, this is the call at
25 eight p.m. which has to be taken into account and not the
26 call that he could receive once in Three Rivers. The
27 pilot is on active duty as from the time of first call.

28 Q. Could you stop here Mr. Cardin and
29 let us take the case that you have mentioned of the
30 Exhibit that you have in front of you. A pilot who has



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2 to undertake his duty at seven a.m. and is called the
3 preceding evening at eight p.m., this is the case you
4 mentioned?

5 A. Yes.

6 Q. Do you believe that this system of
7 early call is especially in order that there would be no
8 urgency if the pilot would be called only at six-thirty
9 with the news that he has to pilot a ship at seven?

10 A. Well in fact, of course, the first
11 call he received ^{is} to warn him, to give him a reasonable
12 time so that he can embark on the ship.

13 Q. Do you know that in the Quebec District
14 the regulations say that a pilot has to be called at least
15 two hours before the time he is to embark on the ship?

16 A. Well maybe I was made aware of that
17 but I wouldn't know.

18 Q. Don't you believe that this system
19 is for the benefit of the pilot?

20 A. May be the benefit of the pilot but it
21 is necessary for the pilotage service.

22 Q. Don't you believe that as for all
23 professionals it is good to know when we will have an
24 appointment the next morning?

25 A. Yes.

26 Q. Would you believe that if a professional
27 knows that at noon he has an appointment with a client,
28 do you believe it increases his work load, except the
29 mental preparation he has to undertake?

30 MR. LANGLOIS: My lord, I would like to know



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2 where is the client?

3 MR. LALONDE: I also would like to say that
4 the example given by the witness, that is eight p.m. for
5 seven a.m. next morning, it is a Montreal pilot that has
6 to go to Three Rivers to embark on a ship so there is
7 still that period of one hour or two hours which I will
8 grant to my colleague but I think it would be going too
9 far to say that it would be such a variation locally.

10 THE CHAIRMAN: In the old days there was a
11 system that it was the first pilot reaching the ship who
12 would get the ship, so they were all there early.

13 Q. Well let us set aside the case of the
14 pilot going to Three Rivers. Are you aware that in the
15 St. Lawrence District the pilots are used to establish
16 communications with the pilotage station to know when and
17 which day they will be called upon to pilot a ship and that
18 they do that on the preceding day or twelve hours before?

19 A. It may be so.

20 Q. Do you believe that the fact to keep
21 in touch with the pilotage office to know when they will
22 have to pilot a ship, do you think that increases the
23 work load?

24 A. I think it is from the time when he
25 has been called, that he is not available to do anything
26 else, that this is the important point in that sense. It's
27 from the time he is called that he is not available -- he
28 is not master of himself any more. He has to stay on
29 call. He cannot do any other things.

30 Q. In other words, a pilot knowing at



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2 three today that he has to pilot a ship at noon here in
3 Montreal, would not undertake a trip to New York. Is
4 that what you mean? He will stay home? He will have a
5 good night's sleep and could you tell us how his life is
6 altered?

7 A. Well I don't know. I don't want to
8 attach too much importance to that hour of call and we
9 state in the brief that when we compute the hours, there
10 is a paragraph where I say a better measure is to take
11 the official hour of departure. Otherwise, we are taking
12 very high figures and certainly there is a loss of
13 availability which has to be taken into account.

14 Q. Mr. Cardin did you study the dispatching
15 regulations of any of the Districts?

16 A. No.

17 Q. Without having made that study, would
18 you admit that the pilotage service does not include an
19 urgency factor as to the undertaking of the duty, like
20 a fireman waiting at the station who has to leave only
21 on one minute's notice when the alarm would ring?

22 A. The fireman is there on the spot at
23 the station, if he is at the station. Well I don't want
24 to start comparing the degree of urgency of duty with
25 another.

26 Q. So you don't want to compare the firemen
27 with the pilots?

28 A. No, not in that.

29 Q. Mr. Cardin I would like to now go to
30 an analysis by a non-expert of table 1(b). I draw your



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2 attention first on item 3 of this table which reads:

3 Effective time of trip between the real hour of departure

4 and the hour of arrival of the ship, and I proceed with

5 the list of figures indicating, and I reach the column

6 Lower St. Lawrence where the figure is 30.36. If I

7 understand well it means 30 hours and 36 minutes, that is

8 to say the number of hours per week that a pilot has been

9 on active duty on board a ship during his duty as a pilot?

10 A. Yes.

11 Q. Now did you make a study to establish

12 which was the average length, or the average duration of

13 a trip in that Quebec District?

14 A. No. These figures are, as I already

15 said, I was given these figures by somebody who made an

16 analysis and established the average.

17 Q. The evidence has already been given

18 Mr. Cardin on this point. From my little exercise in

19 mathematics, I would beg you to accept the fact that the

20 average duration of a trip is 12 hours. So by taking this

21 average figure of 12 hours for the duration of a trip,

22 you will recognize with me that a pilot averages two

23 trips and a half per week? That is mathematics?

24 A. It is mathematics, yes.

25 Q. Now please take the last item, the

26 last entry which is time lapsed between the official hour

27 of departure, and so on, I would not quote all the text,

28 and you will see that for the Lower St. Lawrence that the

29 figure given is 66 hours and one minute?

30 A. Yes.



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2 Q. So if you make two and a half trips,
3 it takes 66 hours and one minute, the time for each trip
4 is 26 hours -- I am leaving aside the minutes. It is still
5 a mathematical study, true?

6 A. Yes.

7 Q. If each trip requires a period of
8 26 hours for the pilot, including not only the time, the
9 duration of the trip but the time he spends to go from
10 his home to the ship and from the ship to his home and
11 the waiting period, it follows of course that if the trip
12 lasts twelve hours the time allocated for the extra, that
13 is all the rest, is 14?

14 A. Yes.

15 Q. When you prepared your work Mr. Cardin
16 did you try to establish how the pilotage should be
17 administered to make it an efficient service and in order
18 that the service could be a service of value?

19 A. No.

20 Q. Don't you believe that if a 12 hour
21 trip requires, on the part of the pilot, that he spends
22 14 hours to journey from his home to the ship, from the
23 ship to his home, and waiting, the administration of the
24 service leaves much to be desired?

25 A. I would not be able to answer yes to
26 this because all I did was to take the data that I was
27 provided and I made an analysis of the time spent for the
28 different stages of the work. Now I do not have to justify
29 each stage and to see how each stage could be made and by
30 whom, and so on. That was not within my duty.



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2 Q. To change the subject, and to talk
3 about the industrial sector, in more proficient work which
4 would have some similarity with the pilotage, do you
5 believe that it could be normal that a worker, who spends
6 eight hours at his bench work, would then spend a number
7 of hours, maybe ten hours waiting or travelling?

8 A. Well I would have to make a study,
9 would have to see what is the duration of the journey,
10 how long they have to wait before giving the service.
11 I would not be able to give a quick answer just like this
12 on the spot.

13 THE CHAIRMAN: Well I think, if I believe the
14 stories I hear, the plumbers are in such a situation.

15 Q. Well Mr. Cardin you live in Quebec.
16 As regards the Quebec District did you make an inquiry
17 to see where the pilots living in the District, where they
18 live -- have you considered what distance they live from
19 the station?

20 A. No. The data has been collected by
21 someone else.

22 THE CHAIRMAN: I think it was a little less
23 hectic this afternoon so we can proceed can we? We can
24 sit until a quarter to four.

25 MR. LALONDE: Well the witness will not be
26 present tomorrow. I would not want to speed up my
27 colleague but if they would finish with the evidence of
28 Mr. Cardin today, that would be of benefit to all of us.

29 THE CHAIRMAN: So we will recess at quarter
30 to four.



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2 Q. Mr. Cardin I would like to take now
3 Chapter 4, part 2 and part 3 page 95 which deals with the
4 economic conditions of the pilotage profession.

5 MR. LALONDE: As regards table 10 my lord,
6 page 95 of the French text I underlined yesterday the
7 fact that 121.6 is the number of available pilots in the
8 District of Montreal. I could not give sensible proof
9 yesterday. I have had some checks made and I am informed
10 that there has been a mistake. The figure is 117.9. The
11 tonnage remains the same. Page 90 of the English text
12 so the total net tonnage remains the same but the figure
13 for number of effective pilots is 117.9. In 1960 the
14 total net tonnage remains the same, the average net
15 tonnage is 294,122.8 and the index is 201.1. My lord I
16 mentioned the corrections were mistakes of typing and were
17 not mistakes in computation. In this case here this is a
18 mistake of the man who prepared the document which was
19 used as a basis.

20 Q. When I asked Mr. Cardin the question,
21 I forgot table 1(b). Am I to understand that the sample as
22 regards the number of trips is the same as in table 1(a)?

23 A. You would like to know if the same
24 questionnaire has been used in the preparation of both
25 tables?

26 Q. To give an example of the case of the
27 Lower St. Lawrence District, the number of trips would
28 have been 1,106. Is that correct?

29 A. Yes.

30 Q. So I understand there is a difference



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2 for the Port of Montreal. Could you explain what is the
3 difference. In table 1(a) you have 1,554 trips and my
4 colleague Mr. Lalonde says that the number of trips taken
5 by the table 1(b) is not the same.

6 MR. LALONDE: I am sorry, I was in error. I
7 checked with one of my colleagues and the figures were
8 correct.

9 Q. Mr. Cardin when an expert prepares
10 statistics, is it not true that with the statistics of the
11 period he wants to prove one point or he would lead to
12 certain conclusions. Is that not the purpose of such
13 statistics?

14 A. No, it is not the only objective. The
15 objective of statistics is first to correct data, global
16 under certain situations of fact, to enquire about the
17 given situation.

18 Q. But to reach certain conclusions?

19 A. Of course.

20 Q. So it is a means of proving something?

21 A. Well it can be, yes to illustrate a
22 point or to try to explain a point of view. It is one
23 of the classical means to support some statement which
24 would otherwise be unsubstantiated. When we give statistics,
25 they sometimes may help to substantiate certain arguments.
26 This is the classical way.

27 Q. Mr. Cardin when the statistics are
28 prepared by giving us an index as a starting point is it
29 not true that the figures given for a certain period of
30 years can be replaced by a graph and with a graph we can



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2 show, or we can see the same thing when looking at figures?

3 A. Yes. When we are talking about a
4 series, yes, the graphic method can be used.

5 Q. Could you refer to table 7, page 58 of
6 the French text? Is it not true that the data appearing
7 on this table 7, which are only figures for a number of
8 years, could be replaced by a graph which would show by
9 a climbing curve the percentage of increase of the salaries
10 from year to year?

11 A. Yes, it could be expressed in a graph
12 form for a series.

13 Q. Now when a statistician speaks about
14 statistics, is it not true that he can prepare a graph
15 that would show which is the variation for such and such
16 a year over the preceding years but he can also extrapolate
17 his line to show which would be the result obtained in
18 the future years if the same trend prevails?

19 A. Yes, some method of extrapolation can
20 be used.

21 Q. In other words, the experience of the
22 past may permit us to foresee, with a certain degree of
23 precision what will happen in the future?

24 A. Not necessarily. When speaking about
25 extrapolation, which is a project into the future, it is
26 always by taking into account certain factors which remain
27 constant but there are some factual situations which may
28 vary in a given period, or a certain period, but it is
29 doubtful.

30 Q. Again on table 7, and starting from the



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2 year 1948, you have the index 100 for that year. I would
3 ask you to make a comparison between that figure of 100
4 for the Lower St. Lawrence Pilots and the true figure
5 which appears in the other table. That is to say in
6 table 4. You would see that in table 4 the figure that
7 is given for that index is 100 -- is 6,839.62?

8 A. For the Lower St. Lawrence?

9 Q. Yes. My lord would you be kind enough
10 so that we do not have to come back to table 4, would you
11 like to know that figure? 6,839.62 for the Lower St.
12 Lawrence pilots in 1948. Now for the year 1960 would you
13 please write the figure of table 4, which is 14,242.02.
14 Now Mr. Cardin if we project these figures on a graph
15 could we say or could we believe that in 12 years from
16 now, that is in 1972, if this trend continues the St.
17 Lawrence pilots will make \$29,000.00 a year?

18 A. Well it is just like the salaries of
19 the professors in the University. They may climb and if
20 we follow the same trend on the same curve, in 20 years
21 it would be astronomical in the present situation.

22

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2 We can't make a forecast. We don't know what the economy
3 will be like 12 years from now. It is very difficult to
4 give such an extrapolation.

5 Q. Now, I am not going to ask you to
6 extrapolate over a period of twelve years. I would ask
7 you as the statistician to extrapolate roughly for a
8 period of two years until 1962 and tell me if the graphs
9 and the progression remain constant what you would have
10 the gross earnings of the pilots in 1962?

11 A. Well, in order to do that we would have
12 to start by taking the average progression or trend on a
13 yearly basis to project on to two years to come and then
14 we would have to get the constant factors and I wouldn't
15 be in a position to do this here.

16 Q. You mean basing yourself upon percentage
17 shown in table 7 you can't establish the average which
18 would allow you to determine, still always according to
19 the progression percentage -- you couldn't determine the
20 average gross earnings of the pilot within the District
21 within the year 1962?

22 A. Well, one can't always make the same
23 case. It could vary from 159.3 in 1954 and it dropped to
24 158.7 the following year, so I don't think it would be
25 useful to make such a thing at this time. I don't think
26 it would be useful at the present time.

27 Q. This is a mathematical problem that
28 may be done at the present time?

29 A. Well, mathematically speaking we could
30 combine many different factors and see what the results



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2 would be eventually and approximate on quite a...

3 Q. Let me repeat my question: It is a
4 mathematical problem?

5 A. Yes, it is a mathematical problem, a
6 statistical problem.

7 Q. In order to help you to do that work
8 I would like to ask you to write in this table in the
9 column the year 1962 and to write under the figure of
10 14,242.2 the figure of \$17,058.62.

11 MR. LALONDE: I would like to find out what
12 figure this is.

13 MR. BRISSET: Would you please let me finish
14 my question?

15 Q. This is the figure shown in Exhibit
16 589 as being the average of gross earnings of effective
17 pilots for the Quebec District?

18 MR. LALONDE: Computed by the Department of
19 Transport. Once more we have to face the same problem
20 as this morning. If you want to get an index the rule
21 must be the same throughout the index and not to try and
22 add a new figure. We could establish what would be the
23 gross average...

24 THE CHAIRMAN: We are going to let counsel
25 resume.

26 MR. BRISSET: Q. You have written down that
27 figure?

28 A. Yes.

29 Q. Now, do you think if you took into
30 account that figure for the year 1962 that it would be



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2 correct to say that the progression was more or less
3 constant?

4 A. You mean on the whole series?

5 Q. Yes, in other words there is nothing
6 abnormal so far as the progression is concerned because
7 we have obtained this figure \$17,000.00 and some odd
8 dollars?

9 A. Perhaps there is nothing abnormal,
10 but everything is depending upon the computation method
11 used. You give me this figure and you tell me it is
12 dependent upon the computation there. Naturally perhaps
13 under the system that gives another result.

14 Q. Mr. Cardin, I would like to draw your
15 attention to the source indicated at the bottom of the
16 page: "Rates of salaries, earnings, and hours of work,
17 Department of Labour, Ottawa. Do you think the Department
18 of Labour has different figures from those of the
19 Department of Transport regarding the rates of salaries,
20 earnings and hours of work of pilots?

21 A. You mean the Department of Transport
22 has different rates?

23 Q. No. Do you think the Department of
24 Labour whose publications have been taken as your source
25 indicate figures that are different from those of the
26 Department of Transport, that is the Pilotage Authority
27 regarding the salaries earnings and hours of work of
28 pilots?

29 A. Well, frankly I don't know. I didn't
30 check it.



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2 Q. So you accepted it as implicit the
3 figures that were given by the Department of Labour?

4 A. Yes, these were official publications
5 in the Department of Labour. Naturally this is an
6 official source upon which one must base ones self and
7 one always bases ones self for when we are looking for
8 statistics concerning salaries, earnings, remuneration
9 and hours of work and other indices of that type.

10 Q. Do you think that the Department of
11 Transport has obtained these figures -- do you think the
12 Department of Labour got these figures elsewhere than
13 from the Department of Transport?

14 A. Well, I couldn't contend absolutely
15 anywhere about the way in which the Federal statistics
16 are compiled, but my statistical source is the D.B.S.
17 statistics plus statistics of many other Departments and
18 so forth. I know that the Department of Labour, the
19 research and economic survey has its own statistical
20 sources which is an official order as well, but to what
21 extent all this is inclusive well, I couldn't tell you.

22 Q. Mr. Cardin, still on the same table
23 do you know what the average annual salary of first mate
24 was in 1948?

25 A. The average annual salary -- well,
26 naturally, we would need to have the source before us and
27 try to compute it because the indices that are indicated here
28 have been established basing ones self upon annual salary.

29 Q. So you take this figure of \$2500.00
30 that I am going to give you for a statistical study?



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2 A. Well....

3 Q. You don't know either?

4 A. In fact I couldn't remember accurately.

5 For what year?

6 Q. The year 1948, the average annual
7 salary of first mate in Canada.

8 A. Well, I couldn't tell you accurately.

9 Q. What I would like to ask you is to
10 accept at the present time this figure of \$2,500.00 as
11 a salary of a first mate in 1948, \$2500.00 and that in
12 1960 it had reached index 208 in the case of the Captain,
13 first mate or 198.8 in the case of the first mate serving
14 in the Atlantic, would you be ready to agree to the fact
15 that this average salary was in 1960 more or less
16 \$5,000.00. It was \$2,500.00 in 1948?

17 A. I must confess I don't remember the
18 exact figures. It is difficult to say. I agree that this
19 was -- if I had the figures before me, well then we could
20 find out exactly what it is.

21 Q. I am asking you to accept this figure
22 of \$2,500.00 for the year 1948?

23 A. Well then you calculate the index and
24 then you find out what this means in absolute figures.

25 Q. If you accept it at the given
26 assumption it would be correct to say that in 1960 it
27 would be \$5,000.00, a little less if it was for the
28 Atlantic region and Lower St. Lawrence.

29 A. (No interpreted answer).

30 Q. As regards the two figures of \$2,500.00



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2 and \$5,000.00 do you think it would be correct to make
3 any comparison with the exception of the point of view
4 of proportion with the increase of wages of a pilot if
5 we use our own figures from \$7,000.00 to \$14,000.00?

6 A. I would repeat here the value of
7 these tables tables, whenever you do something as an index
8 it is not to hide the real value which is given in the
9 index but in order to try and see in absolute figures
10 workers in a given profession or trade in a certain sector
11 as compared to another trade and another sector. It is
12 simply to have an idea about the progression existing in
13 the groups compared without referring to the absolute
14 values. That is why it is put into indexes in order to
15 reach another element the element of comparability that
16 other factors wouldn't give. Consequently in that case it
17 is valid in the index to compare the income of a pilot in
18 a given District not as an income on the index of income
19 of a given period of time with that of Captains on a sim-
20 ilar sector and you can't go any further than that, you
21 just have to take the other meaning.

22 Q. Mr. Cardin, I would like to draw your
23 attention upon what is mentioned on page 89 in the French
24 text: "One must conclude that the relative position of
25 the pilots remain far above the other sectors in the
26 economy." When you use figures rather than index try do
27 you think that this conclusion is more or less weak?
28 Wouldn't you be ready to admit that?

29 A. No, because I am talking about
30 relative position. Naturally you must take the --if the



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2 professional pilot gets double the salary today of the
3 first mate I think you overlook the purpose -- the purpose
4 of the table was to establish the evaluation of starting
5 at the given point in the year. For example you have the
6 case of lawyers or doctors who would have their income
7 figures as compared to the industrial worker who perhaps
8 earns 1/10th of all the other professions so we could say
9 that relatively the share of the given profession as
10 compared to another trade which is not similar is decreased.
11 There have been some interesting studies made about that
12 in the United States on the profession of teaching.
13 Friedman, an economist at Chicago University and others
14 have compared the relative details of the remuneration of
15 professors and teaching staff as compared to liberal
16 professions and also the industrial workers sectors so
17 their wages increase their share so after getting that
18 against two or three professions, two or three sectors
19 involved it is (end of interpretation).

20 THE CHAIRMAN: Have you finished this point?

21 MR. BRISSET: I shouldn't take up the time of
22 the Commission but we were very serious up until now.

23 THE WITNESS: Could we have a recess?

24 THE CHAIRMAN: He has only one question left.

25 MR. BRISSET: Q. I have stated that we have
26 been extremely serious and statistics for me are very
27 arid to me and I would like to refer to table 8 on page 87
28 of the English text where it shows that dentists have
29 enjoyed a greater increase in their income than was the
30 case for lawyers. Did you know, Mr. Cardin, that it is



1 commonly said that ~~ant toothache~~ ~~the~~ ~~like~~ ~~the~~ ~~as~~ suffering
2 of love. Does that prove anything to say that dentists
3 have a higher increase than lawyers?

4 A. I couldn't give you any type of
5 explanation.

6 THE CHAIRMAN: We are going to adjourn for
7 a short recess.

8
9 ---Short recess.

10
11 MR. BRISSET: Q. Mr. Cardin, I would like
12 you to refer now to table number 9 on page 88 of the
13 English text and table 10 on page 90 of the English text.
14 You will remember that these tables were used, I think
15 to show you the increase of pilots' productivity, generally
16 speaking?

17 A. Yes.

18 Q. Over certain periods of years. Now,
19 I would like to ask you as regards table 9 for the year
20 1960 to write down against the figures by the Quebec
21 District the number of effective pilots for that year
22 which is shown in table 10 and which is 55.6. Is that down?

23 A. Yes.

24 Q. Could you please do the same thing
25 for the year 1952. There the figure is 62.8 and 1954
26 the figure is 63.2 and 1956 the figure is 56.7 and in
27 the year 1958 the figure is 56.9 and 1960 the figure is
28 71.8. Now, could you please refer to the column giving
29 the number of ships in the Quebec District for the year
30 1959. You will see that the figure given there is four



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2 thousand. Now, when you mention the ~~name~~ of piloted vessels
3 am I right in believing this has to do with trips, in
4 other words the vessel may have been piloted two or three
5 times during the season; is that correct?

6 A. I think so.

7 Q. So, starting for the year 1950 for
8 the purpose of my question I ask you to consider that as
9 an index and then if you go to the year 1960 you will
10 notice that the number of trips is 6,603. That is correct?

11 A. Yes, ~~for~~ Quebec-Escoumains ships in
12 1950 4,000 in 1960 6,603.

13 Q. In consequence, Mr. Cardin, the years
14 1950 to 1960 the number of piloted vessels have increased
15 by 2,603?

16 A. Yes.

17 Q. This represents an increase -- allow
18 me to use a percentage or let us say an approximate
19 percentage of an increase of slightly more than 1/3rd.
20 I didn't proceed to do an exact computation?

21 A. Yes, more or less.

22 Q. Now, would you please come back to the
23 figures I made you write on table 9 and compare the
24 increase in the number of pilots during the same period
25 of time. In 1950 you had 55.6 pilots and then in 1960
26 you had 73.8 pilots?

27 A. 71.8.

28 Q. 71.8. You will admit there has been
29 an increase in the number of pilots of 16.2?

30 A. Yes.



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2 Q. And still using the approximate figures
3 this indicates ~~the~~ increase of the number of pilots of
4 slightly less than 1/3rd?

5 A. Yes.

6 Q. So 6.2 of 55.6?

7 A. Yes, less than 1/3rd.

8 Q. Do you know, Mr. Cardin, in 1960 the
9 pilotage station in Quebec District was transferred from
10 Father Point to Les Escoumains shortening the course up
11 by 36 or 40 miles, that is the course to be piloted?

12 A. The pilotage station?

13 Q. The pilotage station which was at
14 Father Point in the year 1960 was transferred, at the
15 beginning of the year, 1960, from Father Point to Les
16 Escoumains?

17 A. Yes, I know there has been such a
18 transfer.

19 Q. Do you know that this transfer has
20 diminished the distance for pilotage purposes by around
21 40 miles?

22 A. This is quite possible.

23 Q. Consequently as distance has decreased
24 a greater number of trips can be performed or accomplished
25 during the same period of time?

26 A. Yes.

27 Q. Don't you think then that from the
28 point of view of productivity on the one hand you had
29 an increase in the number of trips and on the other hand
30 increase approximately similar or proportionate increase



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2 in the number of pilots?

3 A. Yes, yes.

4 Q. Do you think it would be appropriate
5 to say under these conditions the productivity of pilots
6 has increased?

7 A. I think it would be correct to say it
8 has increased because in the brief the only element to
9 be considered is not only the number of trips piloted,
10 but the pilotage mileage of these vessels.

11 Q. In other words you say that there has
12 been an increase of productivity only in terms of the
13 increase of the tonnage vessels piloted?

14 A. Well, not entirely so because certainly
15 you have an increase in the number of vessels as compared
16 to the number of pilots. Taking a given distance, and
17 perhaps we would have to study the other Districts, I
18 don't know, this will explain when I speak about product-
19 ivity I was considering at the same time the number of
20 vessels and the tonnage of those vessels.

21 Q. Now, let us get to table 10 where this
22 factor of tonnage vessels is perhaps even more underlined.
23 Before going any further could you please tell me what
24 you mean by the total net tonnage of a vessel?

25 A. By the total net tonnage of a vessel
26 I think that this includes the available space on a
27 vessel -- that is the effective available space on a
28 vessel when you take off the space you use for the
29 machinery or the engines and such equipment.

30 Q. Do you know what is gross tonnage?



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2 A. Well -- this includes what is excluded
3 in the net tonnage, in fact there is a certain tonnage
4 in a spacious vessel which is used for the means of the
5 vessel itself and which includes gross tonnage while net
6 tonnage is available space in order to receive cargo and
7 so forth.

8 Q. Do you know what would be the equivalent
9 of the tonnage relating to the availability?

10 A. Well, this would be the cubic ton.

11 Q. Do you know what is dead weight of
12 the ship?

13 A. Dead weight?

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1 FRENCH

2 Would that not be the difference between the
3 gross tonnage and the net tonnage?

4 Q. No. If you allow me, so that there may
5 be something in the record to that effect, with the
6 permission of the Commission, I would like to quote here
7 a very brief definition of dead weight that I have had the
8 pleasure of giving my students when I was at the University
9 of Ottawa. I am sure that we will all agree with the
10 definition, and I quote: "The gross tonnage of a vessel
11 corresponds to the cubic total content of a vessel as
12 expressed in tons of an equivalent of 100 cubic feet." This
13 is a capacity measurement and not a weight measurement?

14 A. Yes, this is what I stated.

15 Q. "In the calculation of the gross tonnage
16 you exclude the temporary structures, the space above the
17 deck, and double bottoms where you load the water ballast.
18 The net tonnage, in contrast, is equivalent to the gross
19 tonnage, reduction being made of the space reserved for
20 the engine room, and quarters of the crew. The dead
21 weight is equal to the weight of maximum loading of a
22 vessel, including cargo, bunkers, stores and causing
23 immersion in salt water up to its official load line
24 marked on the sides." Naturally if the vessel goes in
25 fresh water the dead weight would be lesser because it
26 will go deeper into the fresh water. You will admit with
27 me that this is quite a self-evident truth. I am sure,
28 Mr. Cardin, that the vessel is an instrument which is,
29 in the commercial field, of marine transport, is used to
30 transport cargo?



1 FRENCH

2 A. Yes, this is true.

3 Q. And the capacity of a vessel, that is
4 the instrument used to transport cargo is not naturally
5 absolutely indicated in the net tonnage?

6 A. According to the definition that you
7 have just given us it seems that it is the available space
8 where you can put some cargo expressed in cubic tons.

9 Q. I would like to give you a few examples
10 so that in our future discussion we may understand one
11 another very well. Have you determined, for example,
12 what was the net tonnage and the dead weight of large
13 lake scows which are called, in English, the upper lakers?

14 A. Have I done that? No.

15 Q. Basing myself upon the list of shipping
16 as published by the Department of Transport for the year
17 1962, I would like at random to give you this information
18 regarding large upper lakers which would be typical. I
19 notice that in this upper laker the net tonnage is 13,486
20 tons and I would like you to write down those figures,
21 and the gross tonnage is 17,369 tons, so the dead weight
22 is 26,000 tons. In other words, an upper laker of such
23 a tonnage can transport 26,000 tons of grain from, let
24 us say, Fort William to Bais Comeau. I would like to
25 ask you to accept these figures for the time being.

26 Now as a comparison measure, I would like to
27 give you similar tonnage on what is called, in English,
28 a canaler, that is a small laker which in olden days had
29 such weight, and such size that they could pass through
30 the locks of the Lachine Canal, for example, and basing



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2 myself upon the same shipping list, I give you the
3 tonnage of a typical canaler. The net tonnage 1,487 tons
4 and gross tonnage 2,173 tons, dead weight 3,000 tons.
5 Now did you enquire what would be the present cost of
6 operation of the big upper lakers on the daily basis, or
7 what we call demurrage ~~weight~~ in English?

8 A. No.

9 Q. I would like you to accept as the
10 current figure \$3,300.00 a day which includes all the
11 operating costs, including the depreciation but not
12 pilotage dues or port dues.

13 MR. LALONDE: My lord I am sorry to interrupt
14 my learned colleague, but I had the opportunity of working
15 on another Commission where evidence was given to the
16 operating cost of an upper laker. I do not want to argue
17 here on the figures of my colleague. I presume that this
18 is the cost. He says so but the fact is that the witness
19 did not make that calculation. He has no idea of the
20 situation and I believe that my colleague will have an
21 opportunity of bringing the evidence forward if he wants
22 to. I hesitate to accept that we proceed on that basis
23 because the witness has said that he is fully ignorant
24 in this sector.

25 THE CHAIRMAN: But Mr. Brisset said that they
26 were figures for the example, so we accept them as an
27 example and not as proof or as evidence.

28 Q. Now Mr. Cardin I ask you to accept, for
29 the purpose of the question I am going to ask, that the
30 same cost for the small ship of a dead weight of 3,000 tons,



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2 that is, the daily operating cost or the demurrage rate
3 is \$750.00. One last data that I would ask you to accept
4 even if you did not study it, is that the large upper
5 laker will take an average of nine days -- I am sorry,
6 six days to go from Fort William to Bais Comeau when
7 this small barge, the small canaler, will take nine days.

8 With these figures could you tell us what is
9 the ratio between the operating cost of the big upper
10 laker compared to the small canaler? What is the ratio
11 between \$750.00 and \$3,300.00? It's four and a half?

12 A. Maybe.

13 Q. Would you take the ratio between the
14 amount for content of dead weight that can be can be
15 carried by the big ship, compared to the small ship, the
16 upper laker can carry nine times as much cargo. Is it
17 not true that according to the figures I have given, that
18 the cost, the operating cost to carry cargo of 26,000 tons
19 on board the large ship is 50% of the cost that is to be
20 if we use nine small ships to carry the same cargo, so don't
21 you believe that in such circumstances the instrument of
22 productivity is the ship itself and not the crew?

23 A. Here you are referring to the problem
24 I was putting yesterday. That is to say that we have
25 larger ships, larger speed and these increases in product-
26 ivity are due to the ship and not to the pilot but I have
27 tried to show yesterday it is the case of technological
28 progress, when the workers are using machines which have
29 a larger producing capacity and that can produce a larger
30 amount of goods than the smaller machines that this reduces



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2 the effort, the effort is being reduced because the larger
3 machine is automated, easier to drive. It is not always
4 the case but it happens. Then the increase of productivity
5 is due, for a large part, not only to the physical or
6 mental effort employed by the worker, this is due to the
7 equipment he uses. When you make an analysis of product-
8 ivity of the work in the pilotage service, or in other
9 industrial sectors, you have to make an estimate, an
10 evaluation taking into account the tool which is provided,
11 and of course, if we have a larger ship with a higher
12 speed, the productivity of the man working on the ship
13 will be increased. I was expressing this idea yesterday.

14 Q. I would like to remind you when I
15 compared the two costs I underlined, or I stressed that
16 the cost was reduced by half. I left aside the time factor.
17 That is to say in one case it took nine days and the other
18 it took six days. If you take table 11, and in particular
19 in the Montreal-Quebec District, you will see that in 1960
20 the cost per ton was .041, when in 1962 the cost per ton
21 was .040. Is it not true to say that in fact, and in
22 rough figures the cost per ton of pilotage is in fact the
23 same in 1962 as it was in 1959?

24 A. The cost of pilotage per ton calculated
25 from these figures? Yes.

26 Q. How can you explain then the cost
27 of pilotage remains constant when the cost of operation
28 for the ship owners is reduced by half? Is it not because
29 the pilotage dues have constantly increased during that
30 period?



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2 A. I never -- in the tables I never said
3 anything to the contrary. I did not study in detail the
4 calculation of the variation of these dues. In the income
5 in absolute figures you can see it has increased.

6 Q. But from the pilot's point of view, when
7 productivity has increased, is it not true to say that
8 in the case of the pilot the figures remain constant with-
9 out increasing productivity?

10 A. I think there has been an increase in
11 productivity from the pilot due to the fact that they work
12 on larger ships with higher speed.

13 Q. How can you explain this discrepancy
14 from the point of view of the ship owner because the
15 ship owner is using a more efficient ship? He reduces
16 his operating cost by half and in the operating costs I
17 include the crew and all the general expenses of the
18 shipping companies when as the cost of the pilotage per
19 ton is concerned it cannot obtain the same results?

20 MR. LANGLOIS: I am sorry to interrupt at this
21 stage, but when my learned colleague is talking of cost
22 reduced by half, I hope that he is still in the domain
23 of assumptions and not of proven facts.

24 THE CHAIRMAN: Yes, it is always an assumption.
25 There is no evidence that has been provided.

26 Q. In other words, to express my question
27 differently, the ship has a dead weight of 26,000 tons
28 or 3,000 tons, the cost of pilotage per ton would remain
29 the same.

30 A. Well I worked on the basis of the data



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2 which is here and you can see that when you compare the
3 total annual income of the pilot from 1946 to 1962, it
4 increased in absolute value and in taking the ratio with
5 the total net tonnage, as you defined it a few minutes
6 ago, for the same year, well it remains, the cost per ton
7 did not increase. This is the interesting figure because
8 this refers directly to the cost of pilotage. If the
9 ship owners can reduce their cost, as you seem to imply
10 on other items, well they have to pay larger sums on other
11 items, well these factors, in my opinion, are outside of
12 the present analysis. I do not see any direct relationship
13 between the assumption that you have given and the results
14 which are compiled in the table.

15 I think the value of these tables remain and
16 one can add maybe that in absolute figures, because the
17 cost per ton here, I think it is -- I can make this remark,
18 is the cost in cents, this is a nominal value and not a
19 real value. It's the purchasing power. Had they been
20 weighted by taking into account the increase of the cost
21 of living, that is the devolution of the money, this is
22 also a factor that could be mentioned because I did not
23 look into it but I think it has to be mentioned because
24 if I consider the index in the D.B.S. as base 9 in 1962,
25 I think the increase of the cost of living is about 30%
26 so I think we should correct these figures and in such a
27 case it would show not only that the cost of pilotage
28 would be the same but they would in real value they would
29 diminish so I wanted to make that remark and if the
30 productivity as such has been calculated in real value,



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2 so the difference that you see in table 12 between the
3 cost expressed on one side in dollars and cents, in
4 monetary unit and the class of productivity, the difference
5 would be accentuated especially because of that factor.

6 The annual revenue, I took it in dollars, not in constant
7 dollars. I took them in dollars which were diminishing
8 as purchasing power. I did not reduce it to real terms,
9 but it could be done and I think that would prove a point.

10 Q. To conclude this discussion, Mr.
11 Cardin, I would like to suggest that these statistics
12 in fact prove, if you accept the figures that I have given,
13 that the ship owner has not been able during the last
14 year to reduce his pilotage expenses in the same proportion
15 that he reduced his operating costs?

16 MR. LANGLOIS: Again I think that my learned
17 colleague is mixing the assumptions and if he wants to
18 compare the assumptions with the evidence given in these
19 statistics, he must prove, must show how much of these
20 big lakers are included in the ships included in table 11.

21 THE CHAIRMAN: I am sure that he will give
22 the evidence when we reach that stage.

23 MR. LANGLOIS: But evidence is not given my
24 lord.

25 THE CHAIRMAN: Well we have to give the
26 evidence as such because otherwise we will have to call
27 Mr. Cardin again later on. I am sure that Mr. Brisset
28 will give his evidence in about one month or six weeks
29 and now he is making assumptions and he is assuming that
30 this was proved and he does that for the purpose of



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2 the discussion, so it is taken in that context and it
3 cannot be used as evidence when the evidence is not given.

4 Q. Mr. Cardin did you make any study of
5 the evolution of the dimension and capacity of the ship
6 in general?

7 A. No.

8 Q. Since the end of the last war did you
9 know what was the type of ship normally used at the end
10 of the last war? Did you know that it was the Park or
11 Liberty ships?

12 A. No.

13 Q. Did you study the fluctuations in the
14 Maritime industry since 1946?

15 A. No, it was not the objective of my
16 study.

17 Q. You stressed that in 1946, of course,
18 the revenue of the pilots was at their lowest point,
19 according to the tables you gave?

20 A. Yes.

21 Q. Could you tell us if a factor which
22 would have played a role in this respect was the fact
23 that during the war the main part of the shipping had
24 been sunk and during 1946 and 1947 a new fleet was being
25 built?

26 A. It may be.

27 Q. Do you know that since 1957, after
28 the Suez crisis, a recession occurred in the Maritime
29 world?

30 A. It could be.



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2 Q. But you did not study it in particular?

3 A. No, I did not go into a history of the
4 Maritime business during that period.

5
6 RE-CROSS-EXAMINATION BY MR. JACQUES:

7 Q. Did you make any study of transport by
8 air?

9 A. No.

10 Q. Or road transport?

11 A. No.

12 Q. By rail?

13 A. No.

14 Q. Did you make any study in the field
15 of industrial relations as regards the Maritime pilot?

16 A. No, I did not make any inquiry on
17 board ships, neither on board planes.

18 Q. As regards the pilot productivity,
19 could you explain what in your opinion is the duty of the
20 pilot? What is his work?

21 A. Well I couldn't give you the exact
22 description of all the pilotage operation because I am
23 not a pilot.

24 Q. But if I were to tell you that a pilot
25 is piloting a ship from Escoumains to Quebec, if we take
26 the Quebec District, this is his work. You accept this
27 fact?

28 A. Yes.

29 Q. His productivity should then be estab-
30 lished by taking into account the number of ships piloted



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2 instead of taking the net tonnage of the ships he pilots?

3 A. Maybe both should be taken into account
4 but what is the productivity measure? What is productivity?
5 This is when a person can provide his service during a
6 certain period x with a certain tool and adding to that
7 the measure of productivity which is given by the net
8 tonnage of the ship's pilotage as a valid factor.

9 Q. Is it not the time taken for piloting
10 the ship -- should not that be taken into account?

11 A. Well, we take the actual measurements,
12 the number of tons carried per year. It is global reserve
13 at the end of the year expressed in terms of tons of
14 shipping piloted which gives you the productivity of the
15 pilots.

16 Q. But the number of hours that ships
17 take to go from Escoumains to Quebec, should that not be
18 taken into account?

19 A. Well, of course, it is taken into
20 account because we are talking about the number of ships
21 piloted, the number of ships and all these factors are
22 taken into account.

23 Q. Shouldn't the number of pilots be
24 taken into account?

25 A. Well, the number of pilots -- in table
26 11 I have compared the total gross annual revenue. Of
27 course the number of pilots is included in that total
28 revenue. Then we compare their total revenue to the total
29 net tonnage piloted during the same period. Then if we
30 take the other stage you have a number of pilots. In the



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2 global reserves of productivity when you make that
3 comparison.

4 Q. If you refer to table 10 it will if
5 we increase effective pilots or we decrease it, the increase
6 of productivity for each pilot will decrease or increase
7 if I increase or decrease the number of effective pilots?

8 A. Yes -- what happens?

9 Q. The index of productivity will be
10 altered accordingly?

11 A. Not necessarily so.

12 Q. Let us take an example say 1962, 115
13 effective pilots, if the number of effective pilots had
14 been for 1952 100 instead of 115 would it have made any
15 difference in the index of productivity of 240.6?

16 THE CHAIRMAN: We could take it for granted
17 here it is a case of the work performed and doesn't
18 increase whether there is 70 or 75 pilots there is the
19 same work to be done, the same work load, the only
20 difference is there will be a greater number of turns per
21 pilot.

22 MR. JACQUES: Q. Would you answer my question?

23 A. You will have an average number of
24 turns which have been piloted by x number of pilots.

25 Q. In the productivity of the pilotage
26 service don't you think it should be established by
27 taking the number of vessels which in fact are steered
28 within a given time within a District because the work of
29 the pilots is to take vessels from one point to another?

30 A. Well, if we take the total number of



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2 vessels for the District under study and our number of
3 tons and the number of pilots we could reach the valid
4 figure as to the index of productivity. Perhaps it could
5 be done afterwards for different sections. I don't know.

6 Q. Why do you take the net tonnage? I
7 suppose you take the net tonnage because the tariffs are
8 based upon that tonnage?

9 A. Yes.

10 Q. Who asked you to base yourself upon
11 the net tonnage?

12 A. In fact, after discussions of the
13 matter with the parties concerned with whom I prepared
14 the draft it was established that the net tonnage of
15 piloted vessels could be an excellent means of measuring
16 the capacity of these vessels.

17 THE CHAIRMAN: Am I to understand, Mr.
18 Lalonde, you have a witness who could indicate why the
19 net tonnage has been taken? Mr. Cardin may not be the
20 witness to give these facts.

21 MR. LALONDE: On this question I don't think
22 it was the witness who prepared this. There is a
23 simple answer. These are the only available statistics
24 your lordship.

25 MR. JACQUES: Q. Do you know how we compute
26 the productivity of an air pilot?

27 A. Well, if I had to undertake a survey
28 about that I would try to find the proper method for that
29 because everything is depending on each individual case.

30 Q. Do you know how it is done at the



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2 present time?

3 A. I don't know because I didn't undertake
4 such a study.

5 Q. Do you know how to calculate the
6 productivity of the truckers?

7 A. Well, certainly there would be some
8 means to be taken if one was to undertake a study of their
9 productivity.

10 Q. Do you know what method is used at the
11 present time?

12 A. I didn't have any study, investigation
13 about that.

14

15 RE-DIRECT EXAMINATION BY MR. OLANGLOIS:

16 Q. If I understand Mr. Cardin, you yourself
17 didn't compile the figures which were used as the basis
18 of the tables?

19 A. As regards Chapter 3, yes.

20 Q. Now, to the question of Mr. Brisset
21 concerning the purpose of these statistics you have
22 answered, if I remember correctly, that one of the main
23 purposes was to try to put certain conditions in their
24 context?

25 A. That is to say try to obtain a certain
26 order of certain events that occur about which we have
27 no other possible measurement **method** so statistics aims
28 at trying to find these figures which could take into
29 account certain quantitative factors which exist without
30 which we couldn't grasp relative matters. Naturally they



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2 are different types of statistics.

3 Q. Would it be right to say that it is
4 to allow one to reach conclusions which are not simply
5 based on assumptions?

6 A. Well, of course not.

7 Q. Mention was made of cancellations in
8 answer to a question by Mr. Brisset. Did you take into
9 account the fact that certain cancellations for the
10 services of pilots are not paid in cases, for example,
11 if there is stress of weather?

12 A. Those who made the survey or compiled
13 the data about it could perhaps explain that better than
14 I.

15 Q. Did you take that fact into consideration?

16 A. No.

17 Q. Now, when you talk about constant
18 adaptation on the part of the pilot do I understand
19 correctly when I interpret your evidence to the effect
20 that the pilots must readapt himself under two main
21 conditions: In the first place readapt himself in his
22 environment, that is with the people with whom he has to
23 work, that is when ever he changes a vessel and also
24 readaptation of his working conditions which is the vessel
25 itself?

26 A. Yes, I also stressed the psychological
27 readaptation towards the human factor which comprises the
28 environment. I also stated the physical environment
29 of work would differ according to the different types of
30 vessels to be steered.



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2 Q. Is this a frequent incident with the
3 professional people, that they are called upon to readapt
4 themselves to their environments, humanly speaking, and
5 also the instruments of work?

6 A. Well, it is to my mind -- it does not
7 occur as often because working environments are more or
8 less so far as the main professions -- the hospital for
9 the doctor who works for the most part in the hospital
10 and the lawyer's office for most lawyers and the University
11 Professor is always in his office and he works with a
12 team, so you have a whole series there of conditions and
13 environmental circumstances which are more or less stable
14 in this case.

15 Q. The work is the same and for example
16 the instruments used by the surgeon in his operating room
17 and also the ones he uses in his own surgery at home --
18 those two would be the same?

19 A. Yes.

20 MR. LANGLOIS: That is all, thank you.

21
22 RE-DIRECT EXAMINATION BY MR. LALONDE:

23 Q. I have only two or three questions to
24 ask, your lordship. In table 7 that you produced, Mr.
25 Cardin, on page 84 of the English text you have provided
26 statistics relating to the first mate and you have
27 established that first index and questions were asked
28 relating to the absolute wages of the first mate. Couldn't
29 it be said that theoretically speaking for the purpose
30 of comparison you might have used instead of the first



1 French
2 mate any other member of the crew, even a simple seaman
3 and compared their index on reimbursement, or rather the
4 evaluation of his reimbursement as compared to that of the
5 pilot?

6 A. You could have certainly chosen any
7 position aside from that, occupation aside from that one.

8 Q. And also the fact is, for example, in
9 1946 if he had earned \$1,000.00 a year and it wouldn't
10 matter whatsoever for comparison purposes with the pilots?

11 A. For the comparison purposes with the
12 pilots the absolute figures -- that is incomes of the
13 pilots had no importance because the purpose of the table
14 is to show the relative increase in the salaries of one
15 profession as compared to the other one.

16 Q. Now, I refer you to table number 8
17 on page 87 of the English text dealing with certain liberal
18 professions. My colleague, Mr. Jacques this morning
19 asked you if the fact that administration cost had
20 increased 1.5% to 4% within certain corporations that you
21 had studied or certain groups of pilots that you had
22 studied meant that this would be -- meant that this might
23 be deducted there simply 4 points from 408.2 for the Lower
24 St. Lawrence pilots?

25 A. No, 4%.

26 Q. You answered that the administration
27 costs....

28 A. Administration cost in 1960, 4% of
29 the income.

30 Q. In the brief you mention in 1946 they



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2 were 1.5?

3 A. Naturally the 4% is valid only for the
4 last year in that series while in the first year you had
5 1.5 and now -- I don't recall the exact figures in the
6 interim, but there was an increase to reach for in the
7 figure of 4%. This figure of 4% is different in dollars,
8 expressed in dollars and if this amount is in dollars...

9 Q. The only thing I want to find out is
10 if the answer you gave to Mr. Jacques this morning, that
11 is 4% could be deducted as 4 point from 208.2 points in
12 1960 is exactly what you thought or what is the correct
13 answer?

14 A. Did I say that this morning?

15 Q. That is what I understood this morning.
16 That is why I am asking you that question, 4% in 1960,
17 if we deduct it from the index of 208.2...

18 A. Then it would be practically doubled,
19 two and eight hundreds because 4%---let us say administra-
20 tion costs in 1960 of 4% of the total income and the
21 total income is as expressed in dollars, so then the
22 figure in dollars is equivalent to 100 in relation to the
23 4% of administration costs. That is equivalent to 100.
24 Here the index is 208.2 and not 100 which means that
25 4% is 4% of 208.2 as expressed in the index so 4% of
26 208.2 -- I don't know how it computes -- it would be
27 higher. If I said that this morning it would be wrong.

28 THE CHAIRMAN: 8.1 point or 8.16.

29 MR. LALONDE: Q. We don't need the final
30 results really to find out if the principle is correct.



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2 My colleague Mr. Brisset asked you if you were informed
3 that the ship's master had no choice insofar as the pilot
4 that was sent to him. Are you aware if the pilot has a
5 choice or can decide upon which vessel he is going to
6 work?

7 A. No, I don't know.

8 THE CHAIRMAN: Or whatever the pilots change
9 turns. Don't worry it is just like lawyers when they
10 change judges.

11 MR. LALONDE: Q. I ask this question relating
12 to the second pilot during the winter season who might
13 not have been doing the trip and where the tariff would
14 be charged the same. I think other examples were quoted.
15 As regards the wages, if it is recognized that two persons
16 are to be on duty at a given time and only one person
17 is called upon to perform the duty, do you think at the
18 level of industrial relations it is more or less a
19 recognized fact that the pay for the second person will
20 be paid just the same even though one person performs
21 the duty of the second?

22 A. Well, the cases I mentioned were to
23 the effect, more or less -- that is that it is always
24 included in the budget estimates, that it takes so many
25 persons so it has been negotiated for two persons and two
26 persons will be paid even if at a given time one person
27 performs the duty. That is guaranteed.

28 Q. I think that certain questions were
29 asked you concerning the aims of statistics. I will
30 ask you a simple question. When you undertook that



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2 work had you certain conclusions to which you wished to
3 arrive at in your mind?

4 A. No.

5 Q. My colleague referred you to table
6 number 9 on page 88 of the English text and asked you
7 to insert certain figures. I think that he established
8 some approximate statistics and in the meantime I divided
9 the number of trips per pilot for the years 1950 & 1960
10 respectively for the Quebec District and I arrived at
11 4,000 vessels divided by 55.6 pilots -- if you want to
12 do the computation there or if you want to accept my
13 word -- the result would be 73 trips per pilot approximate-
14 ly and in 1962 the number of trips would be 92 trips a
15 pilot approximately if you postulate that the item vessels
16 correspond to trips. Thank you, your lordship.

17

18 RE-CROSS-EXAMINATION BY MR. JACQUES:

19 Q. You have compared the increase in the
20 earnings of the pilots to the increase in wages of the
21 first mate; is that correct?

22 A. Yes.

23 Q. We could choose the first mate or
24 anybody, according to what you stated. Why did you choose
25 the first mate?

26 A. Because it is one of the occupations
27 which was available insofar as statistics on incomes
28 were concerned and I chose first mate because this was
29 one of the positions I could select. I could have
30 selected others which would show, however I took the



1 FRENCH

2 position of first mate because it was available and it
3 gives us an idea about comparable increases of incomes
4 in a given sector.

5 Q. You said it was comparable according
6 to what?

7 A. Because it belongs to the same field
8 of activity.

9 Q. Do you know if the increase in the
10 wages of the first mate is representative of the increase
11 in wages in Marine transport in Canada as a whole?

12 A. I think that it is quite representative
13 because if we refer to the index of incomes for professions
14 as a whole in the field of water transportation in the
15 same publication you will see for the same year instead
16 of being 198.8 for salaries it is 199.0. This is one of
17 the first statistics I have given. Consequently I think
18 it is truly representative insofar as the value of the
19 position within that field of activity is concerned and
20 also statistically speaking of the series, because if
21 you consider the total series of salaries today in trans-
22 portation by water, for example rates of salaries and so
23 forth in Montreal in 1961 the Department of Labour which
24 have the results of 1960, last year, table 6, you have
25 there the valuation in transportation by water on an
26 average which at the one time was 199.0, so I think it
27 is truly representative.

28 MR. JACQUES: Thank you.
29
30



1 FRENCH

2 RE-DIRECT EXAMINATION BY MR. LANGLOIS:

3 Q. A slight correction to the answers to
4 the questions of Mr. Jacques. I think you said you chose
5 the first mate for the Atlantic and Lower St. Lawrence?

6 A. Yes.

7 Q. Are these necessarily first mates which
8 are working on Canadian vessels?

9 A. I couldn't tell you -- first mate --
10 I think it was for the category of cargo passenger boat.
11 They were Canadian boats because they were in Canadian
12 statistics.

13 Q. Do you know if such statistics included
14 the cost of room and board supplied to the first mate
15 on board the vessel?

16 A. Didn't include that.

17 Q. It was only clearly the salary, the
18 wages, without taking into consideration the fringe
19 benefits?

20 A. Yes, at any rate, the Federal Statistics
21 whenever you talk about wages, they mention wages as they
22 were negotiated without taking into account all the fringe
23 benefits and other conditions.

24 Q. Is there a reason why you selected
25 that category of seamen rather than taking those in the
26 Great Lakes who go on the upper lakers of Mr. Brisset?

27 A. Well, from the geographical standpoint
28 I thought it important to try and have the closest
29 elements of comparison from an economic viewpoint.

30 Q. When you compare with the pilots of



1 FRENCH

2 the Mid St. Lawrence perhaps you are getting nearer to
3 the area of the Great Lakes?

4 A. Yes.

5 MR. LANGLOIS: Thank you.

6 THE CHAIRMAN: Any further questions to
7 put to Mr. Cardin? Mr. Cardin, you are excused, thank
8 you. We have had a good day today.

9 We will adjourn until ten o'clock tomorrow
10 morning.

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
at the Old Courthouse Building,
Montreal, Quebec, on Friday, the
11th day of October, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith	Member
Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	For the Canadian Merchant Service Guild.
Mr. J. Brisset, Q.C.	For the Shipping Federation of Canada.
Mr. J. Mahoney	For the Dominion Marine Association.
Mr. Marc Lalonde	For the Federation of St. Lawrence River Pilots Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid- St. Lawrence Pilots; The Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Cor- poration of the Upper St. Lawrence Pilots.

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* * * * *



Montreal, Quebec, 9528
Friday, October 11th, 1963,

1 ENGLISH

2 ---Upon commencing at 10:00 a.m.

3

4 MR. BRISSET: My lord, before we start with
5 the proceedings this morning, I would like to make a
6 correction in the statement which I made yesterday when
7 I quoted the daily demurrage rate of the large Upper Laker
8 as \$3300.00. It should have been \$3600.00. In extenuation
9 may I say that I was given the rate per hour of \$150.00
10 and I made, unwisely, a quick mental calculation which
11 proved to be wrong.

12 The results, however, are not important as the
13 relationship between that rate and the rate of the small
14 canaller will be 4.8 instead of four and a half or 4.5.

15 THE CHAIRMAN: We do not take into consideration
16 the time element?

17 MR. BRISSET: Without taking into consideration
18 the time element at all. By strange coincidence, I notice
19 that in the news clippings which were filed, Exhibit 786,
20 there is a reference to the first voyage of the large
21 Upper Laker, which I spoke of yesterday and had taken the
22 trouble of putting the article in the red circle. The
23 dead weight tonnage in the report is a bit too high. It's
24 given as 30,000 tons and the quantity of grain is given as
25 25,000 tons, which is a bit too low. Apart from that,
26 the article is quite right.

27 MR. LALONDE: This all remains to be proven.
28 I requested that Mr. Gaston Rousseau be recalled.

29 MR. MAHONEY: I understood the other day that
30 Mr. Jacques had some further questions to put to Captain



1 ENGLISH

2 Rousseau. I was wondering if he wanted to go first or
3 to wait until after?

4 MR. JACQUES: I have no objection to going
5 first. May I have Exhibit 754 please?

6 FRENCH

7 GASTON ROUSSEAU sworn

8
9 CROSS-EXAMINATION BY MR. JACQUES:

10 Q. Mr. Rousseau could you please give
11 your name, your first name and your occupation for the
12 record?

13 A. Gaston Rousseau.

14 Q. You are a pilot in the Quebec District
15 and you are also President of the Pilots Corporation of
16 Quebec?

17 A. Yes, that is correct.

18 Q. Now in my examination of Gaston Bedard,
19 there was mention made of a cable which was sent to all
20 ships on the 6th of April 1962. Did you receive a copy
21 of that cable?

22 A. No, not yet. I asked for it but I
23 am going to receive it.

24 Q. During my examination of Mr. Bedard
25 on Exhibit 754, which is a brief presented by the St.
26 Lawrence Pilots in June 1960 -- could you look at the
27 table of contents?

28 A. Yes.

29 Q. Could you show me in that table of
30 contents and giving the letters under the title "Main



1 FRENCH

2 Problems", and could you explain to us which were the
3 problems that applied only to the Quebec District?

4 A. B, C, E.

5 Q. You may consult the Exhibit if you
6 want.

7 A. F, also.

8 Q. I don't know if you understand my
9 question. I want you to show me which were the problems
10 applying only to the Quebec District because the F problem
11 is the following: "Delays brought about by the Department
12 of Transport to settle pilotage problems."

13 A. Well that is correct.

14 Q. Did it apply only to Quebec?

15 A. It applied in Quebec.

16 Q. I would like to know the problems
17 applying only to Quebec.

18 A. Now I have to start again. Well there
19 is only item C.

20 Q. Which reads:

21 ENGLISH

22 "Rejection by the Department of Transport of the adjustment
23 of pilotage dues necessitated by the new system of grading."

24 FRENCH

25 Is that correct?

26 A. Yes.

27 Q. Was that item included in the brief of
28 the Federation at the request of the Quebec Corporation?

29 A. Well on the request, probably, yes.

30 I don't know if the request was made in a written form or



1 FRENCH

2 official. That is to say that when a second pilot was
3 able to embark, he did to help his colleague. That was
4 done but before that was done from the 19th of November
5 to the limit.

6 Q. From November 20th?

7 A. Yes, because the buoys are -- they take
8 out the buoys on that date.

9 Q. Was that included in the regulations?

10 A. No. This was an agreement, a gentleman's
11 agreement with the ship owners that a second pilot would
12 come on board on the 20th. He was paid such a fee that
13 he was collecting himself. It was at that time \$30.00
14 a trip and then it was raised to \$50.00 if he used before
15 the implementation of the new system which is in the rules.

16 Q. Do you know on what date exactly such
17 a system was implemented? The system you just mentioned?

18 A. You mean the new system?

19 Q. No, the old system?

20 A. I don't know. It existed since a number
21 of years.

22 Q. When you were a pilot it existed?

23 A. Yes. It was \$25.00 in the old days.

24 Q. According to the evidence again the
25 problem became controversial because some representations
26 were made?

27 A. Well as I said, there was no regulation
28 applying to the second pilot on board during the winter
29 navigation and we wanted to clarify this question.

30 Q. Do you remember when you approached,



1 FRENCH

2 for the first time, either the Ship Owners Federation or
3 the Minister of Transport on that subject?

4 A. I think it was discussed before 1960.
5 I believe so. I don't know if there has been any exchange
6 of letters on the subject.

7 Q. But when was the problem finally
8 settled? Do you know the exact date?

9 A. I think it was settled some time at
10 the end of 1960. In the same year, 1960.

11 Q. Was it settled at the same time as the
12 agreement of the 18th of October?

13 A. Yes, I believe so.

14 Q. The Guild was mentioned during the
15 examination by Mr. Lalonde. Could you tell us if the
16 members of your Corporation are -- is it mandatory for
17 them to be members also of the Guild? For the Corporation
18 and Association members, is it mandatory for them to be
19 members of the Guild?

20 A. Yes.

21 Q. What would happen if somebody would
22 resign from the Guild?

23 A. It's foreseen in our regulations. The
24 members of the Corporation or the Association are also
25 members of the Guild.

26 Q. So you cannot resign from the Guild?

27 A. I would have to refer to the regulations.
28 Do you want me to read the article?

29 Q. Yes? You are referring to the
30 regulation for the Quebec District Pilots, for the



1 FRENCH

2 Association of Licenced Pilots for the Quebec Harbour and
3 below.

4 A. The new amendment which is in force
5 since 29th January 1959 "The Board of Directors of the
6 Association of Licenced Pilots for Quebec Harbour & Below
7 will pay each year to the Canadian Merchants Service Guild,
8 for the benefit and the profit of the Association of
9 Licenced Pilots and of all its members in general the
10 dues corresponding to the admission as a member of the
11 Canadian Merchant Service Guild of all the members of
12 the Pilots Association, it being understood that the pay-
13 ment for such a due in the amount of \$48.00 for each
14 member, or any other amount lesser or larger which would
15 be from time to time established by the Canadian Merchants
16 Service Guild will be based in full on the total number
17 of the members for the Pilots Association even in the case
18 where a member would not wish to make use of the privilege
19 granted to all members through global payment of such a
20 due".

21 Q. If I understand this article, the
22 interpretation is that a pilot can refuse to be a member
23 of the Guild but his dues must be paid by the Association
24 to the Guild?

25 A. Well---

26 MR. LALONDE: I think the text is clear my
27 lord.

28 THE CHAIRMAN: It is a matter of interpretation.
29 We can leave it aside. I think you prove your point.

30 Q. I would refer you also to the regulations



1 FRENCH

2 of the Lower St. Lawrence District, article 86 and I
3 will read it. Article 86, "The Corporation pays to the
4 Canadian Merchants Service Guild for the benefit and the
5 profit of the Corporation and all its members in general
6 any due corresponding to the membership in the Canadian
7 Merchants Service Guild for each member of the Corporation,
8 notwithstanding the fact any one of these members would
9 not exercise his privilege of being a member of such Guild."
10 To your knowledge are there any members of your Corporation
11 who would have resigned from the Guild?

12 A. Never.

13 Q. Since you have been an officer of the
14 Association or the Corporation ?

15 A. No.

16 Q. Thank you.

17 A. On the subject of the messages or the
18 cables you had referred to, I also requested a list of
19 the ships which received these cables and at least the
20 list of the ships to which were sent the cables. We most
21 probably will receive this information in the afternoon
22 or tonight.

23
24 ENGLISH

25 CROSS-EXAMINATION BY MR. MAHONEY:

26 Q. Captain Rousseau in reading over the
27 transcript of your prior evidence, there are a number of
28 areas where the translation seems to have caused some
29 confusion and my main purpose is to clarify these small
30 areas and also to obtain for myself, and for the Commission,



1 ENGLISH

2 some further background on the questions you were asked.

3 Now I take it from your testimony generally
4 that the Federation was formed around the time that Bill
5 S-3 was introduced into the Senate. Is that correct?

6 A. In 1959, yes sir.

7 Q. Actually it must have been before the
8 Senate Committee hearing that it was that the Federation
9 was formed. To refresh your memory---

10 A. I think that in Quebec -- I think that
11 it was formed late in 1959, the Federation, as far as the
12 Quebec Pilots were concerned but I was not the Director at
13 that time. If I recall, it was somewhere around the end
14 of 1959.

15 Q. Perhaps to refresh your memory, when
16 Bill S-3 came before the Senate Committee the representations
17 were made to that Committee by Mr. Paul Gerin Lajoie on
18 behalf of the pilots, were made by the Federation.

19 MR. LALONDE: The record shows representations
20 were made by a joint Committee. That has been given in
21 evidence by Mr. Bedard. It was a joint Committee of
22 Pilots that was formed. I think we have this in the
23 record already from Mr. Bedard.

24 MR. MAHONEY: My lord, I asked Mr. Bedard
25 about the Senate Committee hearings and he said distinctly
26 that he was not there. I said the other day that I recall
27 having seen him. He said no, he was not there.

28 MR. LALONDE: Maybe my friend would ask Mr.
29 Rousseau whether he was there.

30 THE CHAIRMAN: That is all right, this is



1 ENGLISH

2 coming.

3 MR. LALONDE: Maybe he should start with Mr.
4 Rousseau.

5 THE CHAIRMAN: This is coming.

6 Q. I do not believe this is a controversial
7 point. I simply want to clarify the position as to whether
8 the Federation was in let us say Corporate existence at
9 that time and whether the representations which were made
10 by Mr. Lajoie were made on behalf of the Federation. Do
11 you recall that?

12 A. Well sir as I said I was not then a
13 Director, but I recall very well that there was some kind
14 of a Committee that was formed to go to Ottawa and go to
15 the hearings, and so on, but I do not believe that the
16 Federation was formed at that time .

17 Q. So that the Federation was formed just
18 after that?

19 A. I believe so, yes.

20 Q. Now the Committee that was formed to
21 go to Ottawa, were you a member of that Committee?

22 A. No sir.

23 Q. You were not at the hearings at all?

24 A. I was not at all, no.

25 Q. I think you said also, somewhere in
26 your testimony, that there had not been very much notice
27 given of Bill S-3. That it came as a surprise to the
28 pilots? Is that your recollection?

29 A. Yes sir.

30 Q. So if I understand you, this Committee



1 ENGLISH

2 was hurriedly got together to go to Ottawa and make
3 representations?

4 A. That is correct.

5 Q. Now when did -- I appreciate that you
6 were not a Director of the Association as it would have been
7 at that time, but when did you personally first hear about
8 Bill S-3?

9 A. Well sir it is pretty hard for me to
10 say. We heard from the pilots, talking amongst ourselves,
11 that this Bill S-3 was being brought up but to give you
12 a date when I heard about this, I don't know. There was
13 talk most of the winter, that winter of 1959/60 of this
14 Bill S-3.

15 Q. You were not a Director, but you were
16 active in the affairs of the Association at that time?

17 A. No sir.

18 Q. I seem to recall fairly early in your
19 testimony that you were active in having the membership
20 in the Guild reinstated around that time?

21 A. That is correct sir. I was not a member
22 of -- I was not a Director or a member of any Board but
23 there had been at that time a request passed among the
24 membership to get out of the Guild and these pilots who
25 had started this request, they had done this for personal
26 reasons. They had been officers on ships previously and
27 they wanted to get back at the Guild for some reason.
28 They started this request. They managed---

29 Q. That was in 1958 wasn't it?

30 A. No, I believe it was in 1959. Now I



1 ENGLISH

2 cannot recall.

3 Q. Just to refresh your memory, from
4 your previous testimony in reply to these questions you
5 said: I think it was cancelled in 1958, 23rd of November
6 1958.

7 A. I might have been wrong sir. If I
8 recall when Bill S-3---

9 Q. I am not trying to trip you up on
10 dates Captain Rousseau.

11 A. Bill S-3 was -- I started to go
12 around collecting again the signatures of all these pilots
13 to get them back into the Guild itself because we were left
14 in the air. I thought it would be better to belong to
15 some organization which could help us on this matter and
16 if I did go around trying to get the boys back into the
17 Guild, it was because of this Bill S-3 so it must have
18 been then in the winter of 1959.

19 THE CHAIRMAN: That is when you went around
20 canvassing in order to have the names to get back into
21 the Guild?

22 THE WITNESS: Right back into the Guild.

23 THE CHAIRMAN: That was in 1959 and you had
24 voted to retire from the Guild about a year before?

25 A. No, just a few days sir.
26
27
28
29
30



1 ENGLISH

2 That is why some of the members were shy in signing the
3 request to get in because they had just signed these
4 requests to come out of the Guild, but in the meantime
5 Bill S-3 was brought up and that is why they were
6 hesitating with signing.

7 MR. LALONDE: It may help things along, the
8 Senate hearings were held between February 5th and February
9 26th 1959 so it would be hard for the witness to get
10 signatures in November, 1959 in order to do that.

11 MR. MAHONEY: Q. That is what I said. I
12 thought his previous answer was correct, as he said it
13 was November, 1958. Now, Captain Rousseau, I would have
14 said from your evidence that you personally felt that the
15 pilots should be in the Guild and you took it upon yourself
16 to obtain signatures to bring the Association back into
17 the Guild. I was taking it from that that you would be
18 active in the affairs of the pilots at that time?

19 A. No, sir.

20 Q. You don't call that being active?

21 A. I wasn't active. When this came about
22 I thought that it would be a good move on my part, -- I
23 wasn't alone -- some members helped me in doing this. We
24 went from house to house trying to get these people to
25 sign back into the Guild.

26 Q. I take it you initiated them, you were
27 the one who felt strongly about it and you did it?

28 A. Yes.

29 Q. While you weren't active in the sense
30 of being Administrator or Director you were taking an



1 ENGLISH

2 active interest and participating in the affairs of the
3 Association?

4 A. No, sir I don't think that if Bill S-3
5 hadn't come into the picture I would have stayed home
6 quite quiet, let us say.

7 Q. In any event when this matter of the
8 Guild took place before Bill S-3, as I understand it,
9 you were active in the affairs and then you became
10 active again because of this Bill S-3. This is the sub-
11 stance of your testimony, is it?

12 A. No, I don't think that you have got
13 me correctly. I only got interested into the Guild
14 because of Bill S-3.

15 Q. I see, when you heard of Bill S-3
16 you thought that something should be done and that it was
17 important that the pilots be members of the Guild?

18 A. Correct.

19 Q. Therefore you personally initiated
20 the move to bring the pilots back into the Guild?

21 A. Yes, it means that the members ~~were~~ out
22 of the Guild perhaps a few weeks only, perhaps a few days.

23 Q. That is what I took from your previous
24 testimony. I asked you when you had heard about Bill S-3
25 you weren't certain in your mind. I now ask you how you
26 heard, if you recall how you heard about Bill S-3? Was it
27 at a meeting or discussion among pilots or what?

28 A. I believe we were told by telephone.
29 There was no meeting at all.

30 Q. You were told by telephone?



1 ENGLISH

2 A. I believe so.

3 Q. Who would have been telling you that?

4 A. The Directors.

5 Q. The Directors of the Association.

6 Your immediate reaction was that the Guild should do
7 something about it?

8 A. Yes, and then -- if I recall we did --
9 there was something in the newspaper about this Bill S-3.

10 Q. After the Directors telephoned the
11 various members of the Association to tell them about
12 Bill S-3 was a meeting of the pilots held?

13 A. I want to make a correction. I don't
14 think that the Directors took the whole list of members
15 and called them one by one. We heard of this by telephone
16 and in newspaper articles. I remember the Gazette had an
17 article about Bill S-3.

18 Q. Yes, but---

19 A. There was no meeting called for this
20 Bill S-3. It might have been brought up at a general
21 meeting. I don't recall.

22 Q. You told me earlier, Captain Rousseau
23 that although the Federation wasn't formed at that time
24 that a joint Committee which in a sense was the predecessor
25 of the Federation was formed to make representations on
26 Bill S-3?

27 A. Joint Committee. I recall that the
28 President then, Mr. Barras came up to Montreal a few
29 times with the Secretary, with a fellow called Latulippe
30 and I recall also during the winter we named two other



1 ENGLISH

2 pilots outside of the Board of Directors to follow the
3 hearings in Ottawa. I recall those two gentlemen, Mr.
4 Boissonnault and Mr. Lachance were named by the
5 Association to follow this Bill S-3 in Ottawa.

6 Q. What I am getting at is a joint
7 Committee which was made up, presumably, of the various
8 Associations and Corporations of Pilots, when was that
9 done?

10 A. That is pretty hard to say, sir. I
11 wasn't there.

12 Q. Was it formed as the result of a
13 General Meeting?

14 A. No, oh no, it was formed before this.

15 Q. Then there was no General Meeting of
16 the Association, -- was there a meeting before the
17 representation was made on Bill S-3?

18 A. No, I don't think so.

19 Q. This was something then that was done
20 by decision of the Board of Directors of the Association?

21 A. I believe so.

22 Q. So far as you know -- do you know if
23 they met with other Corporations?

24 A. As I said I remembered they used to
25 come up to Montreal. That is all I know. I couldn't
26 tell you.

27 Q. Were you aware at that time of the
28 provisions of Bill S-3?

29 A. Not me personally.

30 Q. Did the Association of Directors advise



1 ENGLISH

2 the members of the content of Bill S-3?

3 A. I don't think that they had sent a
4 bulletin about this. As I said we heard through the
5 newspaper clippings and articles and by phone and from
6 one member to another.

7 Q. The reason I am getting at this,
8 Captain Rousseau, is that whenever Bill S-3 has been
9 mentioned your reaction to it has been very vehement and
10 much the same as my own reaction was to Bill S-3. It seems
11 to me you must have been quite familiar with it at that
12 time?

13 A. No, we weren't, sir.

14 Q. Your great annoyance with Bill S-3
15 was something that came afterwards?

16 A. At that time we were told exemptions
17 were tried -- they were trying to give exemptions to ships
18 either, maybe Canadian or foreign. As I understood it at
19 that time that was the base of the trouble.

20 Q. And you understood that, I take it at
21 the time of the telephone conversations and other
22 conversations that went on concerning Bill S-3?

23 A. Yes, that is about it.

24 Q. As far as you can recall you were told
25 by the Directors of the Association or by other pilots
26 who had been told by the Directors that the purpose of
27 Bill S-3 was to grant exemptions to Canadian ships?

28 A. Not only Canadian ships.

29 Q. And foreign ships?

30 A. That is right.



1 ENGLISH

2 Q. Since that time, Captain Rousseau,
3 you have become I think more familiar with the provisions
4 of the Canada Shipping Act and the terms of that Bill S-3?

5 A. Not especially with the terms of
6 Bill S-3. I didn't study it.

7 Q. You now know that the purpose of Bill
8 S-3 was quite different from what you were originally told?

9 A. I don't. As I said I didn't take time
10 to study the Bill S-3.

11 Q. Even now you don't know that?

12 A. It was forgotten. I didn't take the
13 trouble to study it.

14 Q. It was forgotten because it failed...

15 A. Right.

16 Q.to go through?

17 A. Right.

18 Q. Was there any discussion at that time
19 as to who had precipitated this Bill S-3, who was behind
20 it?

21 A. It is pretty hard to say. I think we
22 were led to believe some of the officials of the D.O.T.
23 were behind it. Of course this is hearsay.

24 Q. When the question of exemptions were
25 raised would it not be a natural suspicion on your part
26 that the Ship Owners were behind it?

27 A. I can't recall that far back.

28 Q. What I am trying to do, Captain Rousseau,
29 is to establish even though many of these answers you give
30 me may be hearsay, I am trying to establish the atmosphere



1 ENGLISH

2 which existed at that time and your own personal reactions
3 as a pilot to Bill S-3, how you felt about it. I take it
4 you were very annoyed because you were told either by your
5 Directors or by other pilots who had spoken to the
6 Directors that the purpose of this bill was to grant
7 exemptions to both Canadian and foreign ships. Is that a
8 fair summary?

9 A. Yes.

10 Q. So as a result of that did your whole
11 attitude to pilotage and representations which might be
12 made to the Department of Transport and to the Ship Owners
13 change?

14 A. I don't follow you right at the end.

15 Q. Before this episode of Bill S-3 your
16 relations with the pilot and the relations of your Board
17 with the Ship Owners and the Department of Transport were
18 reasonably friendly, were they not?

19 A. Well, not being a Director at the time
20 -- I was a pilot and doing my own work, and that is about
21 it.

22 Q. Let us go back to 1953. You were a
23 Director then, were you not?

24 A. I was, sir. I was a tour de role
25 Director.

26 Q. At that time were your relations with
27 the Ship Owners and the Department quite friendly?

28 A. Well, as a matter of fact I was a
29 Director for one year. I didn't have the opportunity to
30 meet either with the Ship Owners or nobody else, as a



1 ENGLISH

2 matter of fact at that time. There were all kinds of
3 problems, Mr. Brisset as you say.

4 Q. You have very good ears, Captain
5 Rousseau. You say there were all kinds of problems?

6 A. Yes, there were.

7 Q. But no meetings were held during the
8 year you were Director?

9 A. Well, you see, sir I might explain
10 at that time in 1952 or 1953 you mentioned the system
11 of special pilots at that time had the main forte -- had
12 the monopoly and they used to be directors and sometimes
13 a tour de role pilot used to be on the Board, but that
14 was about it.

15 Q. You say the special pilots had a
16 monopoly on the group. Were you a special pilot at that
17 time?

18 A. No, as I said I was a tour de role
19 Director.

20 Q. How did you come to get on the Board
21 of Directors if it was a monopoly?

22 A. You see they used in their election
23 promotion, they used to think it would be quite nice to
24 have a man that was on tour de role, to have him on the
25 Board to say they were very democratic about it.

26 Q. You were a puppet?

27 A. A puppet?

28 Q. With no power?

29 A. Well, all right, let us say I was a
30 puppet, yes.



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2 Q. In any event during the time that you
3 were a Director were there any meetings held between the
4 Directors and the Department or the Ship Owners?

5 A. I don't recall any, no sir.

6 Q. So that relations -- there must not
7 have been too many problems?

8 A. You see...

9 Q. Of a serious nature?

10 A. Well, if you let me go back. At that
11 time the special pilots used to be the cream of pilotage.
12 They had the best ships. They had the fast ships. There
13 was no dispatching as far as they were concerned. They
14 used to do whatever they pleased and it was the tour de
15 role, of course, who was doing the rough work so that
16 definitely they didn't have many problems with the shipping
17 people because they were hand in hand with the shipping
18 people to keep this system in force.

19 Q. When you were a Director as a tour de
20 role pilot in 1953 you must have resented this system,
21 didn't you?

22 A. I certainly did. I resented that
23 system ever since I held my licence.

24 Q. Did you try to do anything about that
25 at the time as Director?

26 A. I did, yes.

27 Q. In what way?

28 A. It was at that time it was quite
29 popular to have these requests sent by the members and
30 we tried to get the members to sign requests to abolish



1 ENGLISH

2 this system. Of course we weren't very popular, let me
3 tell you.

4 Q. Later on, Captain Rousseau, you
5 became a special pilot yourself?

6 A. Certainly.

7 Q. If you can't beat them you join them?

8 A. Join them and work from under.

9 Q. Was that your idea in becoming a special
10 pilot?

11 A. My idea of becoming a special pilot,
12 sir, as I told the members at that time, I am dead against
13 the system but in the meantime if there are advantages
14 I might as well get on the bandwagon until the time is
15 right to abolish this system, and that is what I did.

16 Q. Did your former companions on the
17 tour de role understand your purpose in becoming a
18 special pilot?

19 A. Most of them did, yes.

20 Q. From the moment you became a pilot,
21 then, Captain Rousseau, you were dedicated to removing
22 the special pilot system?

23 A. Yes, sir, because at that time, until
24 the system was abolished it wasn't really livable. It
25 wasn't really funny to be a pilot in my District, in any
26 case.

27 Q. Really from the first day that you
28 got your pilot's licence, although you were only a
29 Director of the Association for a period of one year
30 around 1952 and 1953 you took a very active interest in



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2 the problems of pilots?

3 A. Well, I wouldn't go as far as saying
4 I took an active part. We knew that the big problem was
5 this special pilot system, towards that yes, but as far
6 as other matters are concerned, no.

7 Q. Then, in 1959 or 1958, 1959 when some
8 of the pilots wanted to retire from the Guild you took
9 a very active interest in that as well?

10 A. On account of Bill S-3, yes, sir.

11 Q. You have told us, Captain Rousseau,
12 that you didn't really know anything very much about
13 Bill S-3?

14 A. Apparently no one did, sir.

15 Q. But you had been told in any event
16 that this was ~~serious~~ ^{serious} ~~threat to~~ ^{threat to} piloting?

17 A. Yes, I wish I had the newspaper article
18 that came out in the Gazette. I think it was straight-
19 forward enough at that time.

20 Q. Didn't you think it worthwhile to get
21 a copy of the provisions of Bill S-3 to look into it
22 more thoroughly?

23 A. I don't think we had a copy of Bill S-3
24 but I had a copy of the Gazette, the article in the
25 Gazette which I went around and showed to the members.
26 That is how I got them to sign right back into the Guild.

27 Q. Let me give you an example, Captain
28 Rousseau: As I understand it when the Association
29 retired from the Guild and then came back into this Guild
30 this meant that the individual pilots had to make member-



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2 ship payments to the Guild and if they weren't members
3 they had no payments to make. If they were members of
4 the Guild they had to pay membership. There was money
5 involved here?

6 A. No, the question of money didn't
7 creep up.

8 Q. You misunderstand me. The pilots as
9 members of the Guild would have to pay their membership
10 fee in the Guild, wouldn't they?

11 A. Yes.

12 Q. And if at the time, I assume, was
13 about the same as it is now, \$45.00?

14 A. No, it is a little higher now.

15 Q. In any event it was a substantial
16 sum for a pilot to take out of his pocket and pay to
17 someone when a few days previously he decided that someone
18 was ^{not} important to him?

19 A. I don't follow you.

20 Q. The pilots had resigned from the Guild?

21 A. Yes.

22 Q. Two-thirds of the pilots must have
23 felt that the Guild could do nothing for them?

24 A. Yes.

25 Q. In order to persuade them to part with
26 another membership fee and come back into the Guild there
27 must have been some substantial reason for it?

28 A. I said previous and I say again it was
29 on account of that Bill S-3 that came up.

30 Q. And you persuaded, went around to



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2 persuade most of these people to come back into the
3 Guild?

4 A. Well, the word persuasion is not
5 correct. I didn't have to persuade. When they heard
6 about Bill S-3 and saw, as I mentioned before the article
7 in the Gazette giving a small description of Bill S-3
8 they signed right back.

9 Q. Surely the Directors of the Association
10 weren't proceeding to form joint committees and go to
11 Ottawa purely on the strength of a newspaper article?

12 A. The Directors certainly knew more
13 about the contents of Bill S-3 than I did, certainly. I
14 recall calling the President, Mr. Barras about this and I
15 said, well the members are not in the Guild any more and
16 we are just left high and dry. I said I think -- what
17 would you think of the idea of trying to get the members
18 back into the Guild. He says the idea is a wonderful one
19 and I will try to help you if I can.

20 Q. At that time in that conversation did
21 he explain to you the possibility of forming a joint
22 Committee or doing anything to fight this bill as a
23 group?

24 A. I can't recall. I can't recall.

25 Q. You wanted the pilots back in the Guild
26 because you felt there should be a central organization of
27 some kind to fight Bill S-3? Isn't that correct?

28 A. Yes.

29 Q. At that time there was no Federation?

30 A. I don't think so.



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2 Q. Could you be sure of that?

3 MR. LALONDE: The Federation was incorporated
4 November 5th, 1959 and letters patent appear in an Exhibit
5 which has been filed with the Commission.

6 MR. MAHONEY: Q. So that there was actually
7 a Federation...

8 MR. LALONDE: Of course not. I said November
9 5th, 1959 and the Senate Hearing for the Bill was
10 introduced in February, 1959.

11 MR. MAHONEY: I am sorry, my lord, I had
12 misunderstood. The Federation was formed in the Autumn
13 following Bill S-3?

14 A. Yes.

15 Q. If you were convinced that a central
16 organization such as the Guild should represent all of
17 the pilots in a matter such as Bill S-3 you must have
18 been disappointed when the other pilots decided that there
19 should be a Federation to speak for the collective pilots?

20 A. No, no, no, of course not. I was
21 glad. I was happy.

22 Q. Was that because you felt at that time
23 the Guild couldn't do a proper job?

24 A. Would you...

25 Q. Were you glad that the Federation was
26 being formed because you had become convinced that the
27 Guild couldn't properly represent the pilots?

28 A. Not necessarily. We at that time --
29 I don't think we had a chance to fight and the stronger
30 we could get to fight these Bills, the better.



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2 Q. So the more central organizations that
3 you had the better your chances were of applying pressure
4 somewhere?

5 A. We are not talking about applying
6 pressures somewhere.

7 Q. Perhaps that was the wrong word to use.
8 I didn't mean it in ansoffensive sense at all. I meant
9 the more central or large bodies that you had the more
10 power you would have in dealing with your joint problems.
11 That is roughly the idea.

12 A. Dealing with joint problems.-- I
13 don't think that is the proper way of saying it. It was
14 at that time to fight or to protect what we had. That
15 is more like the word that I would like to use.

16 Q. When did you first hear about the idea
17 of forming the Federation?

18 A. The Federation must have been -- this
19 idea came a couple of ~~years~~ before 1960, that is for sure.

20 Q. The idea was there?

21 A. The idea was born.

22 Q. The idea was there before Bill S-3?

23 A. As far as the Federation was concerned,
24 yes sir.

25 Q. Do you recall ~~whether~~ you first heard
26 the idea?

27 A. No, sir.

28 Q. Do you recall whether it was discussed
29 in a meeting?

30 A. Some members might have brought it up,



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2 yes.

3 Q. Would you have been one of the members
4 that would have brought it up?

5 A. No, sir. Whenever the idea came up
6 I was for it.

7 Q. You don't remember any other pilots
8 that might have put forward this idea in a general way
9 before 1959?

10 A. No sir, no.

11 Q. You are quite sure that you can't
12 claim the credit for this and you weren't the pilot who
13 put this forward?

14 A. No, if I was the one I would admit it
15 here today. I would be quite proud of myself.

16 Q. You don't even think there is a
17 possibility you were the first one to mention it?

18 A. No, sir.

19 Q. You are quite sure of that?

20 A. Yes.

21 Q. But in any event the idea of the
22 Federation goes back some time before Bill S-3?

23 A. The idea, oh, yes.

24 Q. I am sorry, I think I asked you this
25 before. I am not sure whether you answered it or not.
26 I think I asked you before whether the idea of the Federation
27 had been discussed in a meeting before Bill S-3?

28 A. As I say, sir, I don't...

29 Q. You don't recall?

30 A. No, sir.



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2 Q. Then could you tell us when, aside
3 from the general rumour or discussions of the idea of the
4 Federation when you first heard a concrete proposal to set
5 up such a Federation?

6 A. I just -- I would have to go back and
7 look into the files.

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2 I know that we had a couple of meetings of the members in
3 Quebec who discussed and studied the by-laws. I remember
4 that happened well.

5 Q. Which by-laws do you mean?

6 A. Of the Federation. I recall two
7 meetings which I attended.

8 Q. At this stage the Federation would have
9 been at least in draft form would it not?

10 A. Yes. I don't recall if the other
11 Corporations or Associations were in it at that time.
12 I know that we in Quebec were the last ones to join.

13 Q. I realize you were the last ones to
14 join the Federation, but wasn't this only because at
15 that time you were an Association and then when you became
16 a Corporation you were able to join?

17 A. No sir. I think it was because we
18 lived further than the others.

19 MR. LALONDE: For the record my lord there
20 again it is Exhibit 670, the Corporation was set up,
21 incorporated, May 9th, 1960. That is five months after
22 the Federation.

23 MR. MAHONEY: Did you say five months after
24 the Corporation?

25 MR. LALONDE: The Federation -- well let's
26 count November, December January February March April
27 May. Six months, I am sorry.

28 MR. MAHONEY: I was not questioning your
29 arithmetic.

30 MR. LALONDE: The Federation was formed in



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2 November of 1959 and the Corporation in May 1960.

3 Q. And you recall having been at meetings
4 where by-laws of the Federation were discussed?

5 A. Two meetings. I recall having attended
6 two meetings.

7 Q. So they would have been before the
8 Fall of 1959? Mr. Lalonde gave the date of incorporation
9 of to the Federation as being, I think it was, November,
10 1959?

11 A. I don't remember the date that we,
12 the Association in Quebec joined. I don't remember that.
13 I know that we were the last.

14 Q. It wasn't the Association that joined.
15 It was the Corporation.

16 A. The Association.

17 Q. The Association was a member of the
18 Federation before the existence of the Corporation?

19 A. Yes sir.

20 Q. The two meetings that you say you
21 attended where by-laws of the Federation were discussed,
22 I am suggesting these would have been before the fall of
23 1959. That is, before the incorporation date of the
24 Federation. Do you recall whether that is so?

25 A. I am sorry sir if you had asked me
26 that question when the Secretary was here, we could have
27 given you the exact date of these two meetings but now
28 I don't know.

29 Q. You see Captain Rousseau what I want
30 is your recollection, not---



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2 A. Yes, but I would give it to you quite
3 clearly. I can't give you the date and hour of the meeting
4 now. If you wish, in November when I come back, I can
5 give you the exact date and the hour of this.

6 Q. When you say this, do you mean that
7 you can give the exact date of the meetings which you had?

8 A. The two meetings that were called in
9 Quebec to study the by-laws of the Federation, yes sir.

10 Q. And these were meetings of the Assoc-
11 iation?

12 A. Well if you want to call them meetings
13 of the Association. They were meetings of the members
14 called together to study the by-laws of the Federation.
15 Now whether there were minutes kept at these meetings,
16 I don't remember. I was not a Director. It was Mr.
17 Barras who was the Chairman of these meetings at that
18 time.

19 Q. Then although they were meetings
20 of members, they were not general meetings?

21 A. No.

22 Q. They were not called by notice?

23 A. No.

24 Q. From what you tell me Captain Rousseau,
25 I would have to conclude that the inspiration for the
26 forming of the Federation of St. Lawrence Pilots came
27 from outside the Quebec District? It originated in some
28 other District, not in Quebec?

29 A. Not necessarily, sir. No. Not
30 necessarily. I don't know where the idea came from but



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2 I know that there were two or three years before this
3 formation, there was talk of this Federation; how it could
4 be formed, the advantages, etcetera for getting the
5 different groups into a Federation. That was talked most
6 of the time. We heard about that. We talked about this
7 at the pilotage office, let us say in Quebec where we
8 would be together.

9 Q. Did you take an active part in those
10 discussions?

11 A. Well pretty hard to say. You talk
12 about something interesting, of course. I must have talked
13 about it.

14 Q. They were not really meetings. They
15 were more bull sessions?

16 A. Let's call them bull sessions, waiting
17 for ships or I was getting off a ship.

18 Q. They were not official meetings?

19 A. Of course not.

20 Q. You recall it being discussed?

21 A. Yes.

22 Q. But what I am getting at Captain
23 Rousseau is that at some stage someone must have taken
24 this idea out of the air, someone or some group and gone
25 to their legal adviser and said we want to form a
26 Federation. Could you draft us a set of by-laws or can
27 you tell us how to go about it.

28 MR. LALONDE: My lord, it could have been the
29 reverse. I don't know.

30 MR. MAHONEY: Is my friend suggesting the



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2 legal adviser may have gone to them?

3 THE CHAIRMAN: Of course Mr. Lalonde would not
4 know. He was not there then.

5 THE WITNESS: Neither was I sir.

6 MR. MAHONEY: But my lord I am sorry to press
7 this point but as far as I can tell there has been no
8 evidence on it and I think it is a most important point
9 for the Commission to know, not only the whole background
10 of the Federation but to see what caused it to come into
11 being and who were the people who originally thought of
12 this idea. How it all came about. I think this is most
13 important.

14 THE CHAIRMAN: If you think this point is
15 important, you may ask one of the incorporators or
16 officers of the Corporation at the time. You had Mr.
17 Barras in Quebec but you will have quite a few in Montreal
18 here and you have their names in the Letters Patent?

19 MR. MAHONEY: Yes my lord, this is quite so.
20 In addition to that, what I am trying to get at is the
21 reception which the idea received from the individual
22 pilots and even though Captain Rousseau was not an
23 Administrator at that time, he was a pilot and has some
24 knowledge of these things I think, but you are not
25 prepared to say then, Captain Rousseau whether the
26 original idea of this came from the pilots of Quebec
27 District or from pilots of some other District?

28 A. No sir.

29 MR. LALONDE: I think what my friend is
30 looking for is the paternity of an idea. In order to



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2 find out the paternity of an idea, you may go back as
3 far as 1860. Probably somebody had the idea some time,
4 somewhere, and mentioned it but who had the idea first---

5 MR. MAHONEY: I think this is important my
6 lord. I think since the Federation was incorporated in
7 1959 I would suggest that although there may have been
8 vague rumours going back a hundred years, that in the
9 fairly recent past someone must have seized this idea
10 and suggested it to the other incorporaters. I want to
11 know whether it's common knowledge amongst the pilots
12 who should be given credit for this.

13 THE CHAIRMAN: That is all right. If you
14 think you should pursue that further, you will be provided
15 with the necessary witnesses or you can ask for a witness
16 and we will see that you have him.

17 Q. Just to try and complete our considera-
18 tion of Bill S-3 Captain Rousseau, you said I think that
19 you had never seen a copy of this Bill?

20 A. No sir.

21 Q. You only saw the newspaper report?

22 A. Yes.

23 Q. And it was your reaction to these
24 newspaper reports that someone, whether it was the
25 Department of Transport or the Ship Owners, was attempting
26 to obtain what amounted to pilotage exemption for ships.
27 You said both Canadian and Foreign ships?

28 A. Yes, and more than that I recall someone
29 stating that, for instance, we inquired what would happen
30 to a Spaniard if he came up the River. Someone, I don't



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2 know where I got the answer from, said that an old agree-
3 ment which Canada had with Spain that he would be, if
4 he wished, exempt from pilotage and I recall that it went
5 further and talked about a Russian ship and they said the
6 same thing would be applied to a Russian ship. If he so
7 chose to proceed up the River without using a pilot.

8 Q. Who told you these things?

9 A. As I said, this is not official. This
10 is what we heard, and that is about the idea.

11 Q. In any event, it seems to me that this
12 idea, these things which were told coloured your whole
13 approach to further negotiations with the Ship Owners and
14 with the Department. Isn't that so?

15 A. At that time?

16 Q. Yes, from the time of Bill S-3 your
17 relations, your attitude towards the Ship Owners and the
18 Department of Transport must have been quite different?

19 A. Not necessarily, no, because we did
20 not know the originators of this.

21 Q. Yes, but there could only have been
22 two originators. Isn't that right?

23 A. I don't know.

24 Q. Who else had an interest in this problem?
25 A direct interest?

26 A. You asked me if there were only two.
27 I don't know. I don't know if there were two or three or
28 four. I am not in a position here to say.

29 Q. I am saying that the three directly
30 interested parties in pilotage are the pilots, the



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2 Department of Transport and the Ship Owners. Isn't that
3 right?

4 A. Yes. Ship Owners but here you would
5 have to state if they are ship owners from another country
6 or ship owners from this country. They might have had
7 pressure at that time from ship owners, from someone from
8 Timbucktoo if you wish.

9 Q. Would they be represented in the
10 Shipping Federation?

11 A. I don't know. We have a list of the
12 members in the Shipping Federation, but there are also
13 ships plying up the St. Lawrence which do not belong to
14 the Shipping Federation.

15 Q. Don't you think that the normal
16 reaction, or your normal reaction at the time would have
17 been to say the Ship Owners are trying to do this, or
18 the Department of Transport is trying to do this? Surely
19 you would not say "Oh well some ship owners from Timbucktoo
20 are trying to do it"?

21 A. We don't know. Bill S-3 was brought
22 up just out of the blue like this.

23 Q. Isn't it true Captain Rousseau that
24 from the date of Bill S-3, from 1959 that the relations
25 between the Ship Owners, the Department and the pilots
26 deteriorated seriously?

27 A. Not true.

28 Q. You do not feel that relations between
29 the Ship Owners and pilots were any more seriously
30 strained say in 1960 than they were in 1958, 1956?



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2 A. Strained to the ship owners? Yes,
3 there was a little feeling after the meeting which we
4 had in Ottawa in 1960. Of course, when we left there we
5 were not very happy about this because, if you recall
6 Mr. Mahoney, you were there and when we wanted to bring
7 forward this idea of docking pilots in Quebec, there was
8 a certain gentleman representing, or among the group of
9 ship owners that wanted to make a joke that was not very
10 funny at the time about this little man with a little
11 boat going out on the river, climbing up on the ship,
12 going back on this little boat, and we did not think it
13 was very funny.

14 Q. You are not suggesting to me Captain
15 Rousseau that these strained relations arose from a bad
16 joke on that occasion, or a joke in ill taste?

17 A. Or a joke that was not called for.

18 Q. Yes, but surely this strain in relations
19 arose from something much more serious than that?

20 A. Well of course there was still the
21 bad taste, let us say, of Bill S-3, yes but in 1960 I had,
22 I would say, many meetings with the officials of the
23 Department of Transport in Quebec and I did not think that
24 the relations were bad between the officials of the
25 Department of Transport and ourselves. We had many---

26 Q. This was in what year?

27 A. In 1960.

28 Q. Let's leave the Department of Transport
29 out of it then and say the relations between the Ship
30 Owners and the pilots?



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2 A. After that meeting that is the last we
3 saw of them.

4 Q. Now Captain Rousseau---

5 A. In 1961, if you let me go forward,
6 they were called also, invited by the Department of
7 Transport to a joint meeting in Montreal which they did
8 not even show up.

9 Q. In 1962 there were joint meetings
10 weren't there?

11 A. I am talking about 1961 sir.

12 Q. All right, you said a few minutes ago
13 that after that meeting in 1960 you never saw them again?

14 A. That is right.

15 Q. Now that is not so is it?

16 A. Well I would have to strain my memory
17 to try to find where I met the ship owners in 1960 after
18 that.

19 Q. But you met them in 1962?

20 A. Yes sir, 1962 we did. I wouldn't say
21 that they were very friendly right there in 1962.

22 Q. But in any event they were there?

23 A. They were there all right, yes sir.

24 Q. Don't you think that it is fair to say
25 that the pilots are broad minded enough that a bad joke
26 in 1960 would not be the cause of these strained relations,
27 that it went to something more fundamental than that?
28 Isn't that true? Didn't it all go back to Bill S-3?

29 A. Bill S-3, yes, as I said had left a
30 bad taste in the pilots' mouth.



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2 Q. Even though it did not actually go
3 through?

4 A. I was not there, as I said but I know
5 that it cost quite a bit of money to send representation
6 to Ottawa. They lived there just about all that winter.

7 Q. It seems to me Captain Rousseau that
8 the hearings were only on for a matter of a couple of
9 weeks at the most.

10 A. Well sir if I may---

11 Q. Perhaps you should examine their
12 expense accounts.

13 A. Excuse me but if I may say you will
14 have the opportunity to talk to Mr. Hamelin and I believe
15 that he was there quite a bit.

16 Q. In any event are you prepared to agree
17 with me that in 1959 and Bill S-3 marked quite a serious
18 change in the relationship between the Ship Owners and
19 pilots?

20 A. I would not say if it was between
21 Ship Owners and D.O.T. and pilots. I know that it certainly
22 created something which was not very nice.

23 Q. In the last few years now there have
24 been very serious differences of opinion haven't there?
25 That is why we are here now.

26 A. Well sir since the Commission has been
27 in existence I believe that the differences which we
28 thought are so enormous are, after all, not so enormous.

29 Q. I am inclined to agree with you Captain
30 but, in any event, this was the feeling. There were



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2 serious problems and you will agree there are serious
3 problems. I agree with what you say but this is because
4 we are close together personally now.

5 MR. LANGLOIS: I am sorry to interrupt but if
6 my learned friend thinks that the situation has improved
7 and relations are not so bad, why is he trying to make it
8 look otherwise?

9 MR. MAHONEY: I think my friend Mr. Langlois
10 is just afraid that Captain Rousseau and I are going to
11 settle the whole problem right here and now.

12 MR. LALONDE: I was going to move that this
13 Commission adjourn for good.

14 THE CHAIRMAN: Wouldn't it be fair to say
15 that Bill S-3 made you feel that it was necessary for you
16 to close ranks?

17 THE WITNESS: It is, yes.

18 THE CHAIRMAN: And your first reaction was to
19 form into the Guild and the second was the Federation?

20 THE WITNESS: Certainly made us feel that we
21 had to get together, certainly.

22 Q. And then you will agree that, generally
23 speaking, this was the point in time which marked a change
24 in relations between the groups?

25 A. Well I don't know about the relations
26 between the ship owners previous to that because I did not
27 attend any of the meetings, but I know from correspondence
28 which we have in our office in Quebec that the relations
29 between the ship owners and the pilots was not always
30 very harmonious and I recall that Mr. Pouliot, an old



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2 retired pilot in Quebec, also said so in his testimony in
3 answer to a question by my friend Mr. Brisset.

4 Q. Captain Rousseau then would it be fair
5 to say that the strained relations between the Ship Owners
6 and pilots only arose when you came on the scene as a
7 Director?

8 A. I didn't get your question.

9 MR. LANGLOIS: My lord, again my learned
10 friend is the only one to talk about strained relations.
11 The witness has not admitted that fact, yet.

12 THE CHAIRMAN: Well I don't know. I think
13 the inference was there was strained relations then. We
14 will adjourn for a few minutes.

15

16 ---Short recess.

17 ---Following short recess.

18

19 CROSS-EXAMINATION BY MR. MAHONEY CONTINUED:

20 Q. Now Captain Rousseau as I understand
21 it you resumed your political career in 1960 and with more
22 success than on past occasions. At that time you were
23 elected a Director of the Association. Is that correct,
24 in 1960?

25 A. Director of the Association? Yes sir.

26 Q. And at the same time by the, I may be
27 wrong here, at the same time were you chosen by the other
28 Directors as President of the Association or was Mr.
29 Barras still President?

30 A. No. In 1960 Mr. Barras was not elected



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2 a Director.

3 Q. Then I want to go back just a bit to
4 the time when Mr. Barras was still President of the
5 Association. Now were you a Director at that time?

6 A. Well sir before we go on---

7 Q. I will tell you Captain Rousseau there
8 is a slight confusion in the transcript which I have as
9 to the events that took place at the time when you became
10 a Director of the Association and when Mr. Barras left the
11 Association and I would like to clarify that point. Now
12 when were you first elected as a Director?

13 A. On the second Wednesday of January 1960.

14 Q. That would be a general meeting. That
15 is why you would remember the date.

16 A. I would like to make a correction here.
17 When you say my political ~~career~~ has commenced in 1960,
18 I don't go as far as calling it a political career. I
19 would call it interest in the affairs of my group, not
20 a political career, no sir. If I wanted to be a politician,
21 I wouldn't be in the---

22 THE CHAIRMAN: I don't know whether it is
23 you or somebody else, but there was one witness who said
24 that the politics of the pilots.

25 THE WITNESS: Mr. Barras said your lordship.

26 THE CHAIRMAN: The term was used once.

27 Q. But in any event in 1960 then was Mr.
28 Barras President of the Association or was it in 1959
29 that he went out?

30 A. In the early part of 1960.



1 ENGLISH

2 Q. In the early part of 1960, and at
3 the same time you were elected a Director?

4 A. Yes sir. The whole group at that time
5 was voted right out.

6 Q. Now let us take that point in time.
7 Prior to that, as I understand, a Committee was set up
8 by the Association to consider either the possibility of
9 changing the by-laws of the Association or setting up a
10 Corporation?

11 A. Yes sir. As I testified previously at
12 that General Meeting in the early part of 1960, when the
13 President then made his report, he stated that the by-laws
14 of the Association, being so much out of date, he put
15 forward the idea of forming a Committee to study these
16 by-laws and see what could be done to bring them up to
17 date. When I went there afterwards, when I took over
18 afterwards, this resolution was in the minutes of the
19 General Meeting. We formed the Committee. From there
20 we started to study this.

21 Q. The suggestion came and a resolution
22 was made before you were a Director but it was actually
23 carried out by you after you became President?

24 A. Absolutely correct.

25

26

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28

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1 ENGLISH

2 Q. Now, was this resolution moved by Mr.
3 Barras or someone else at the general meeting?

4 A. He brought forward in his report the
5 idea and I think in the Minutes it was moved by someone
6 and seconded by another.

7 Q. Was there a discussion at that time
8 at that General Meeting as to the necessity for this?

9 A. Yes, sir.

10 Q. What reasons were given, Captain
11 Rousseau, for making the change in the system which had
12 been in existence, for many, many years?

13 A. At that General Meeting the system
14 from Association to Corporation wasn't brought forward.
15 It was what he said, and we have a copy in the minutes --
16 the President then said the by-laws of the Association were
17 so much out of date, they have been amended so many times
18 that he thought that it would be a good idea to form a
19 Committee to study these up and bring this up to date.

20 Q. And no mention at that time was made
21 of the Corporation?

22 A. No, no, but this was mentioned after-
23 wards.

24 Q. Was his suggestion to revise the
25 by-laws of the Association -- did it arise for some purely
26 technical reasons, that is the difficulty of finding the
27 way through the amendments or did he give other reasons
28 for wanting to revise the by-laws, in other words did he
29 have some new material that he wanted to put in the by-laws?

30 A. No, not himself, no. He said that he



1 ENGLISH

2 didn't -- I presume that he said that he didn't study these
3 things, that he thought the Committee should be formed up
4 to study all these. Himself he didn't.

5 Q. As I would understand the meeting
6 where that would have taken place would have been the
7 same General Meeting where Mr. Barras resigned as President
8 and a new slate of officers came in?

9 A. He didn't resign. He was beaten.

10 Q. But technically because he was beaten
11 he would resign as President and a new slate of officers
12 would come in?

13 A. He didn't have to resign. He was just
14 elected out.

15 Q. What I am getting at is the election
16 which changed the administration took place at that meeting?

17 A. That is right.

18 Q. And so that in the early stages of the
19 meeting Mr. Barras put forward this idea, the resolution
20 was passed and then towards the end of the meeting when
21 the election of officers was held Mr. Barras found,
22 possibly to his surprise, that he wouldn't have a chance
23 to implement the resolutions he had passed because there
24 was a new slate of officers?

25 A. Pardon me. I testified previously
26 that we formed up this Committee. We came into office and
27 we picked up so many pilots in the group for the purpose
28 of forming a Committee and wrote those pilots and knowing
29 that Mr. Barras had put forward this idea we also wrote
30 Mr. Barras asking him to come and sit on this Committee and



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2 he refused to do so.

3 Q. I know that, Captain Rousseau. I will
4 get to that later. I realize that is the case. I wanted
5 to clarify the point it was at the same meeting that both
6 things occurred at the same meeting, the setting up of
7 the Committee and your election as a Director?

8 A. He brought this forward in his annual
9 report, President's Annual Report.

10 Q. Prior to that meeting when would the
11 nominations for the new slate of officers have been made?

12 A. There was none, sir.

13 Q. They were made at the time of the
14 meeting?

15 A. I testified to the fact that when the
16 elections came up on the agenda somebody put up a
17 blackboard and whoever wanted or felt like putting down
18 his name to be elected he just stepped forward and put
19 his name down. It was a little free for all.

20 Q. There was no formal nominations?

21 A. No, sir.

22 Q. If I had been there and I had been a
23 pilot I would have been able to go and write my name on
24 the blackboard?

25 A. That is right.

26 Q. And that is what you did?

27 A. That is what I did.

28 Q. So you were interested in becoming a
29 Director, you weren't brought into office on the shoulders
30 of the crowd?



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2 A. All right, sir, we will use your
3 expression. I was surprised because at that time I was
4 in Sydney Nova Scotia, Cape Breton. They asked me if I
5 would come and put my name down. I said I would think
6 about it and I was in Sydney, Nova Scotia with another
7 pilot waiting for a ship to come up to Quebec in the
8 month of January. At that time, as you know, the pilot
9 station used to close up in November, so we went down to
10 Sydney and waited there at the hotel for, I don't know
11 how many days for the ship to come up and pick her up
12 and take it to Quebec. At the last minute the ship was
13 delayed and there were frantic/calls from my companions in
14 Quebec asking me to come up because I wouldn't be there
15 for the election. I asked the Quebec pilot with me if
16 he was willing to proceed by himself. I took a plane,
17 paid my own expenses, and came to Quebec.

18 Q. In spite of the fact that you had to
19 write your name on the board, in fact, there was sort of
20 a "draft Rousseau" movement in the Association?

21 A. Well, if I was elected there must
22 have been.

23 Q. What I am getting at is prior to this
24 election -- ~~it wasn't~~ this a case of a sudden decision
25 that was made, well I will put my name on the board and
26 see what happens -- there had been in a sense an active
27 political campaign before that?

28 A. Well, sir, as I said previously in
29 1959, as you know, the seaway was open and the traffic
30 increased tremendously. There was at that time this



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2 famous question of transferring the station so that we
3 would have a little less travel to do. There was also
4 the special pilot question and there was the winter
5 navigation. That is why I got interested because we
6 couldn't carry on the way we had in 1959 for many years.
7 I know I wouldn't be in this spot if we stayed at Father
8 Point with the same amount of traffic, that I know.

9 Q. You told us, I think, Captain Rousseau,
10 that you were in Sydney and you were approached by some
11 of the pilots to put your name up for election?

12 A. I didn't have to put my name up.
13 Somebody did it for me.

14 Q. Was it when you were in Sydney shortly
15 before the election you were first approached or were you
16 approached earlier?

17 A. No, oh no I was in Quebec.

18 Q. Earlier?

19 A. During that year.

20 Q. So that in the year preceding this
21 election there was considerable discussion about the
22 possible change of administration?

23 A. We had to. As I said previously we
24 had to make this change from Father Point to Les
25 Escoumains in a hurry because, as a matter of fact
26 everybody was kicking at the bucket. We lost so many
27 men that year and we can't afford to go all by the wayside.
28 We had to make a fast move and we thought the time was
29 right to do it.

30 Q. You say there was an intense feeling



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2 about this amongst members of the Association. I suppose
3 they felt the existing Administration wouldn't do anything
4 about it?

5 A. They knew that the existing group
6 that were there wouldn't do anything about it.

7 Q. Some of the pilots in the discussions
8 which took place, I suppose, said, Gaston, will you put
9 yourself up for election, that would be about it, would
10 it?

11 A. Correct.

12 Q. How long before the General Election
13 had you decided that you would put your name up?

14 A. Oh, it is very hard to say. It is
15 very hard to say. Must have been during the year.

16 Q. Did you realize at that time that if
17 you were elected that the other Directors would not only
18 welcome you on your election but would also appoint you
19 as President?

20 A. I don't think that was brought up at
21 the time, no. I don't think so.

22 Q. But you were the leading spirit of this
23 movement previously, were you?

24 A. For the abolishment of the special
25 pilots, of course I was, yes.

26 Q. And with regard to the problems which
27 existed?

28 A. With regard to the shifting of the
29 station I also was.

30 Q. You being the leading spirit, the



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2 Directors once you were elected would choose you as
3 President?

4 A. Well, I don't know if I was leading
5 spirit, but I said that I would try to help.

6 Q. Do you recall who it was that first
7 approached you with the idea of putting your name up for
8 election?

9 A. A bunch.

10 Q. I am sorry?

11 A. A bunch -- a group.

12 Q. Obviously it wasn't Mr. Barras?

13 A. No, no.

14 Q. Could you remember the people that it
15 was?

16 A. If you gave me a list of pilots I
17 could go down the list and point them out to you. More
18 than that at this election -- it may be here worthwhile
19 mentioning, there was a pilot that used to live in
20 Mexico in the wintertime -- married to a woman who could
21 afford to take him down to Mexico.

22 MR. JACQUES: Pilot's widow.

23 THE CHAIRMAN: Mexico is the cheapest place
24 to live on the continent.

25 THE WITNESS: Yes, your lordship. I gave that
26 in case the ship owners might say how could you afford
27 to go to Mexico in the winter. This pilot who was in the
28 elderly group, middle age, flew from Accapolco to Quebec
29 for the election for the election and then flew back just
30 to vote the right way.



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2 MR. JACQUES: The witness is expressing
3 an opinion and not stating a fact.

4 THE WITNESS: I am stating a fact. The man
5 flew from Accapolco to Quebec and I know he didn't vote
6 for Mr. Barras, and flew right back afterwards quite
7 proud of himself.

8 MR. LALONDE: This is very pleasant indeed
9 but I would like to know where we are headed.

10 THE CHAIRMAN: Mr. Mahoney only knows where
11 he is heading.

12 MR. LALONDE: Part of this was covered in
13 Quebec.

14 MR. MAHONEY: With respect to my friend's
15 objection, and I don't really think it is an objection
16 in the way he put it, but with respect to his objection
17 I would say from the technical point of view if this
18 material has been covered in Quebec. We know meetings
19 were held. We know the other things that happened but
20 we don't know any of the real background. We don't know
21 the people who were involved and how the whole thing
22 happened, and with respect, my lord, I think this could
23 be quite important.

24 THE CHAIRMAN: We have only the dry facts
25 and the statistics from the by-laws or the records.

26 MR. MAHONEY: Q. Yes, my lord, that is correct.
27 I think somewhere there in the evidence there is a list
28 of the people who were pilots at that time. The list I
29 have is a later one so perhaps it wouldn't be fair to
30 show you that. I think somewhere there is such a list.



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2 Now, Captain Rousseau, you have before you
3 part of Exhibit 597 which on its back page contains a list
4 of the pilots. This list which we now have would be the
5 list of pilots which were active at the time of the
6 elections in 1960, and even more important previous to
7 that time during the active political campaign?

8 A. Well, there might be one or two I am
9 mistaken. I know one died on the 4th of January, 1960.

10 Q. From that list, and I think it contains
11 77 names, can you name the people, the pilots who actively
12 approached you prior to the election with the idea of
13 becoming a Director and who to your knowledge felt that
14 some general change in the Administration was necessary?

15 A. Well, to go fast about it we could
16 say half of these.

17 Q. Let us pick out names. It won't
18 take too long?

19 A. I don't know who voted for me.

20 Q. I am not asking who voted for you.
21 I am asking if you could perhaps make a mark in front of
22 the names of the people who actively approached you prior
23 to the election?

24 A. This is just guessing work.

25 Q. It is fairly accurate guessing. You
26 told me if you had a list of names you could show me the
27 people who spoke to you and said that we would like you
28 to put your name up because you have a strong feeling about
29 this?

30 A. It is hard to remember if this fellow



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2 came up and put it to me that way -- it is very hard to
3 say if he did. The fellows that were for me I will
4 point out, that were certainly for a change.

5 Q. I think that is satisfactory.

6 A. That is better. No. 2, Andre C.
7 Bedard; No. 4, Bender; No. 5, Andre Bernier; No. 6,
8 Jacques Bernier; No. 8, Jean Claude Bernier; No. 9,
9 Marc Berrigan; No. 10, Jean Paul Blouin; No. 11, Josaphat
10 Blouin; No. 12 -- No. 13, David Bouffard; No. 14,
11 Raymond Bouffard; No. 15, Henri Brochu; No. 16, Jacques
12 Brochu; No. 17, Charles Bruneau; No. 18, Roland Caron;
13 No. 19 -- No. 22, Paul E.M. Cloutier; No. 23, Raymond
14 Cloutier; No. 24, Robert Cloutier; No. 29, Victor Duchaine;
15 No. 30, Michel Dussault; No. 31, Wilfrid Fajard; No. 32,
16 Roger Fortier; No. 33, Charles Fournier; No. 34, Denis
17 Fournier; No. 35, H.E. Gamache.

18 MR. LALONDE: On a point of order is the
19 witness giving a list of people who approached him or
20 just the people who voted for him or what?

21 THE CHAIRMAN: This was explained just before
22 the list was started. The question was changed at that
23 moment to say those who were interested in the change.

24 MR. MAHONEY: The persons that Captain Rousseau
25 knows were interested in the change at the time.

26 MR. LALONDE: I have another point of order,
27 my lord which I would like to raise. The Dominion Marine
28 Association was represented by counsel before this
29 Commission when Captain Rousseau was in the box and the
30 Dominion Marine had full opportunity to cross-examine



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2 Captain Rousseau at length. They chose to make a short
3 cross-examination and I understand my friend, Mr. Mahoney
4 asked for Mr. Rousseau because he had a few points to
5 clarify.

6 MR. MAHONEY: I didn't put it that way.

7 MR. LALONDE: But the situation we are having
8 is a full examination by the Dominion Marine Association
9 on full questions. We are starting off again. We are
10 eight lawyers in my firm and if they put in a witness I
11 could call the other seven persons to come and make an
12 examination and where are we going to stop. We are going
13 to be here for ten years.

14 THE CHAIRMAN: The rule so far has been to allow
15 the putting of all questions when they are necessary and
16 we have told everyone that if they have forgotten something
17 they can come back and ask it. I think the only time we
18 should stop would be when we really think it is an abuse
19 and therefore I don't think it has been abused and we
20 are going to let Mr. Mahoney go on.

21 MR. LALONDE: Thank you.

22 THE CHAIRMAN: It works both ways. If
23 sometime when reading the transcript you find something
24 else should be clarified well you may do so.

25 MR. MAHONEY: If I might add to that we
26 didn't advise the Commission we only had a few more
27 questions. Our reasoning was when Captain Rousseau was
28 examined in Quebec the English transcript wasn't available
29 and because of that our opportunity to cross-examine was
30 somewhat limited and in addition, I might add this is really



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2 the first witness which has been produced either by the
3 Commission or by my friend which we have examined at any
4 real length, so I don't think we have abused our privileges
5 to date. I would say our time in cross-examination has
6 been considerably less than my friend's.

7 MR. LALONDE: On this I would agree with my
8 friend.

9 MR. MAHONEY: Q. Could we go on?

10 A. H.E. Gamache; No. 36, Yves Gosselin;
11 No. 37, J. Ernest Goudreau; No. 38, Roger Gregoire; No.
12 39, John W. Keating; No. 42, Jacques La Brie; No. 45,
13 Vilandre Lafleur; No. 46, Bastien Lamarre; No. 47, J.
14 Remi Lamarre; No. 48, Alfred Lamontagne; No. 51,
15 George Larue; No. 52, L.A. Larue; No. 53, Yves Larue;
16 No. 56, J. Andre Laclerc; No. 57, Amedee Lecomte;
17 No. 58, Marius Malouin; No. 59, Anselme Marmen; No. 60,
18 Jean Marmen; No. 61, Edgar Morin; No. 62, Fortunat
19 Morisset; No. 63, J.B. Noel; No. 64, Jean Marie Ouellette;
20 No. 66, Edm. Pouliot Jr.; No. 67, Jos. Emile Pouliot;
21 No. 68, J. Ernest Pouliot; No. 69, J. Leon Pouliot --
22 no let's scratch him out -- Yves Pouliot, No. 72; Guy
23 Ross, No. 73; Gaston Rousseau -- we know my feeling;
24 J. Fern Vezina, No. 77.'

25 I think that is more than half if I just
26 glance at the list. I may have -- maybe I am not being
27 fair to some fellows which I didn't mark.

28 Q. Captain Rousseau, would you think
29 it fair for me to say there isn't any need to count these,
30 in fact it would appear from this list that almost the



1 ENGLISH

2 only ones that weren't in favour of the change were the
3 existing Directors?

4 A. And a few.

5 Q. Very few?

6 A. Very few indeed.

7 Q. In that case, Captain Rousseau, it
8 was a great expense which your friend was put to in flying
9 back and forth to Quebec in order to vote when it wasn't
10 really necessary?

11 A. It wasn't necessary but he wanted to
12 make sure.

13 Q. It was a matter of principle?

14 A. It was.

15 Q. And all of the pilots, I take it,
16 felt very strongly about this situation?

17 A. Strongly about what?

18 Q. Strongly about the general situation of
19 the Administration -- they wanted, they very definitely
20 wanted a change.

21 A. Yes.

22 Q. You knew generally who these people
23 were even before?

24 A. Most of them.

25 Q. You weren't surprised about your
26 political campaign?

27 A. As I said before it wasn't a political
28 campaign whatsoever. I was interested in seeing that
29 our organization get a little moderner, let us say.

30 Q. I am sorry if you object to the use of



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2 the term political campaign. I won't use it any more.

3 A. Excuse me, sir, I wish to remind the
4 Court that ever since 1960 I didn't get one cent for
5 remuneration for doing this job which I am doing today
6 and which I have been doing since 1960.

7 Q. All right. In any event you were
8 aware from the way you have marked that list now that
9 when the election was held that you would certainly be
10 elected?

11 A. I said before-- I told the members
12 when the time is right to do these changes we will step
13 forward and we will do it.

14 Q. You said you told that to the members?

15 A. Certainly.

16 Q. Would it be fair to say, Captain
17 Rousseau, that you personally were the guiding spirit
18 behind this move to change the Administration?

19 A. No, sir, there were many guiding
20 spirits.

21 Q. There must have been many discussions?

22 A. About shifting the station?

23 Q. Yes?

24 A. Many.

25 Q. In those discussions, I presume, you
26 took a leading part?

27 A. No, I wasn't the leader, no.

28 Q. Well, you will agree with me, I think,
29 that in the period before the election -- you won't
30 call it a political campaign -- in the period before the



1 ENGLISH

2 election that the general membership would be interested
3 in electing people who had shown the most active interest
4 in these problems and had taken the most active part?

5 A. No sir. I think ^{they} ~~we~~ have decided to
6 pick the man that would work towards our goal.

7 Q. Yes. How would they know how to
8 choose that man? They must have been people who were the
9 most active?

10 A. No. There was no activity really before
11 1960.

12 Q. When you say activity, you mean active
13 in discussion, people whose views were known. They must
14 have known the way you felt or they would not have taken
15 a chance on electing you would they?

16 A. They took a chance on me, as far as
17 abolishing special pilots are concerned. They said --
18 many said he is a special pilot. He will never work
19 towards the abolishment of this, but they made a mistake.

20 Q. Yes, and on that point the other
21 Directors who were elected at that time, how many of
22 them were special pilots and how many were tour de role?

23 A. In the group?

24 Q. No, in this group, in the group of
25 Directors who were elected along with you?

26 A. There was certainly two. Perhaps
27 three.

28 Q. Besides yourself?

29 A. With myself.

30 Q. Out of how many?



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1 A. We were six elected at that time.

2 Q. At least three of those, you say, would
3 have been special pilots?

4 A. Two I am positive, and three I am
5 not sure.

6 Q. But the feeling of this group in general
7 as to the special pilots must have ^{been} known, otherwise they
8 would have been taking a real chance?

9 A. I did not get your question.

10 Q. The feeling of these particular people
11 who were elected to the Board, even though they were
12 special pilots, the feeling that they were against special
13 pilotage must have been known, generally known?

14 A. Yes.

15 Q. Otherwise the electors would not have
16 taken the chance on electing three out of the six?

17 A. As I said, they took a chance on me I
18 guess.

19 Q. But you had made it pretty clear how
20 you felt?

21 A. I did, yes.

22 Q. And the other people who were elected
23 at this time, they also were active in discussions were
24 they not? They were the leaders, what this large group
25 of pilots recognized as leaders?

26 A. No, not previous to the election, no
27 sir, I would not say that.

28 Q. Well if all of these pilots felt very
29 strongly about a situation, and there was an election
30 coming up, surely they would only elect the people who were



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2 recognized as their leaders? They would not take a chance
3 on anyone they thought---

4 A. We are only a small group sir and
5 we know one another very well. We work together day and
6 night. To say that we campaigned in 1959 to be elected
7 in 1960, no, we did not. As a matter of fact, I did
8 not campaign myself. Some of them maybe talked a little
9 louder, like anybody else, than the others. That was all.

10 Q. When you say "campaign" you really
11 mean being active in these discussions which were going
12 on?

13 A. There was an awful lot of people active
14 that year in these discussions as far as the abolishment
15 of special pilots and the transfer of the station.

16 Q. Now then let's just go on to the stage
17 after your successful election, and I understand from
18 your testimony that you and your Board of Directors
19 carried out the resolution which had been put through by
20 the previous executive and formed a Committee to originally
21 deal with the proposed amendments to the by-laws of the
22 Association. That is right isn't it?

23 A. Yes. There was more than one Committee
24 formed at that time. There was a whole bunch of Committees
25 formed up.

26 Q. Was there more than one Committee for
27 this particular purpose?

28 A. No sir.

29 Q. Just one for this purpose?

30 A. Yes sir.



1 ENGLISH

2 Q. And how many people were on that
3 Committee?

4 A. We had the list here the other day.
5 We could have given you the list. There might have been
6 six or seven.

7 Q. And among those you asked a Mr.
8 Barras?

9 A. We wrote to Mr. Baras. We wrote to
10 different pilots which we chose and two of them refused,
11 I believe.

12 Q. So was Mr. Barras not on that Committee
13 for a while?

14 A. No sir.

15 Q. He refused?

16 A. He refused.

17 Q. I think in your testimony you said there
18 was one other pilot that refused?

19 A. I believe so.

20 Q. Two refusals and the next six or seven
21 people that you approached, they accepted?

22 A. Right.

23 Q. And were any of those people Directors
24 of the Association or were they all just normal pilot
25 members?

26 A. No sir. Our policy during that winter
27 was to form up these different committees and to see that
28 they would get to work and work in a proper manner, and
29 we asked the Directors at the time who would like to take
30 care of such a Committee. Who would like, amongst the



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2 Directors present when we formed up the Committee, who
3 would take charge of such a Committee and whoever wanted
4 to take charge of the Committee, he was put in charge of
5 it. Mr. Bedard at that time was put in charge of the
6 by-laws Committee. Mr. LaRue was put in charge of the
7 Dispatching Committee.

8 Q. The Committee that we are interested
9 in here, this is the By-Laws Committee is it?

10 A. Yes sir.

11 Q. And which Mr. Bedard was Chairman?

12 A. Mr. Andre Bedard.

13 Q. Were you on that Committee or are you
14 ex-officio on all Committees?

15 A. I am sir, as I said previously on all
16 -- as President I am on all Committees except the Committee
17 of elections.

18 Q. And I take it you were active on that
19 Committee?

20 A. No sir.

21 Q. You did not take part in the meetings?

22 A. Hardly sir. I did not have time really
23 to follow up all these Committees.

24 Q. But this was the most important Committee
25 wasn't it?

26 A. Yes. No, I did not sit on the original
27 and drafting of this.

28 Q. And aside from Mr. Bedard, were there
29 any other Directors on that Committee?

30 A. No sir.



1 ENGLISH

2 Q. The others were all normal pilots?

3 A. Yes sir.

4 Q. Now when was it that the Committee
5 came up with the idea of forming a Corporation rather
6 than simply amending the by-laws of the Association?
7 Was it after some study of the situation?

8 A. Yes. Oh yes, it came up. There was
9 many meetings of this Committee. They studied the by-laws,
10 the Association by-laws, drafted the recommendations and
11 then these recommendations were put forward to the Board
12 of Directors who studied them and then we got in touch
13 with our legal adviser. He came up to discuss these
14 things.

15 MR. LALONDE: For the record, once again,
16 Exhibit 673, tabled before this Commission is a resolution
17 adopted by the Association of the pilots in Quebec dated
18 January 15th 1960 which established a Committee in order
19 to study the by-laws of the Association and for its
20 membership the names suggested were: Mr. Roland Barras,
21 Mr. Paul Emile Cloutier, Mr. Roger Gregoire, Mr. Yves
22 Gosselin, Mr. Edgar Morin, Mr. Jean Bernier, and Mr.
23 Andre Bedard was appointed Director or Chairman of that
24 Committee to revise the by-laws of this Association. This
25 is a certified copy tabled before this Commission 11th
26 September 1963.

27 Q. Now this list in Exhibit 673, Captain
28 Rousseau, this contains the names of the people who were
29 proposed for the Committee, including Mr. Barras and the
30 other gentleman?



1 ENGLISH

2 A. The other gentleman now I recall is
3 Mr. Jean Bernier who refused also to sit on this Committee.

4 Q. This is not a list of people who
5 actually sat on the Committee?

6 A. If you take out the two names which I
7 mentioned, Mr. Barras and Mr. Bernier, you will then have
8 the names of the Committee who studied the by-laws.

9 Q. That is right, but this list as it is
10 set out here is not correct because it contains those two
11 names. That is right?

12 A. All we have to do is scratch them out.

13 Q. No one else was appointed in their
14 place?

15 A. You are asking me something which I
16 don't remember. We always attempt to form a full Committee
17 so if somebody refused, we might have asked.

18 Q. This list does not mean anything?

19 A. It means quite a bit.

20 MR. LALONDE: If my friend wishes to have it
21 translated into English he will find out what it means.
22 This is a resolution adopted by the Association proposing
23 a certain number of names for the Committee.

24 MR. MAHONEY: My lord, I have been trying to
25 find out the names of the people who actually were on the
26 Committee. My friend has given me this list as a list
27 of those names.

28 MR. LALONDE: Sorry, I gave it as a resolution
29 adopted by the Association. The document has been tabled
30 before this Commission and it speaks for itself. I am



1 ENGLISH

2 sorry if it is speaking French, however.

3 THE CHAIRMAN: I think Mr. Mahoney is right
4 in what he is trying to find out. That is who actually
5 sat on the Committee and this Exhibit, of course, does
6 not show that.

7 MR. LALONDE: Of course, but it is one of the
8 problems we are now faced with. We had the Secretary-
9 Treasurer of the Corporation with us for two weeks, even
10 here in Montreal, rolling filing cabinet and all, but now
11 he is back in Quebec.

12 THE CHAIRMAN: Maybe Mr. Rousseau knows who
13 actually sat on that Committee. If he doesn't, he has
14 only to say he doesn't.

15 MR. MAHONEY: The point that I am making my
16 lord is that apparently, from what Captain Rousseau is
17 telling us, the membership of that Committee was somewhat
18 elastic. It changed from time to time.

19 A. No, oh no, I am sorry. I did not say
20 that. I said that at first the Board of Directors picked
21 up names. We always endeavoured to pick, for instance,
22 pilots who were older than the others, among three groups,
23 pick the pilots from the first group, the second group
24 and the young ones so as to have a proper picture, a good
25 idea of what the pilots wanted and we always tried to have
26 good representation on these Committees.

27 Q. Now I think that you said that the
28 Committee gave several drafts of changes in by-laws to the
29 Board of Directors?

30 A. No sir. They studied these by-laws,



1 ENGLISH

2 the Association by-laws and came up with a final draft,
3 let us say. They may have made a couple and then came up
4 to the Board of Directors with a final draft of changes
5 which they wanted to bring about.

6 Q. And during the course of their
7 deliberations, they consulted with the Association's
8 legal adviser?

9 A. No sir. Only after they had studied
10 the by-laws of the Association from article number 1 right
11 up to the end, they picked up what they wanted, they
12 picked out what they did not want, the amendments which
13 they wanted to bring, and after many meetings they brought
14 this up to the Board of Directors.

15 Q. And then the legal adviser was not
16 consulted until that time?

17 A. Afterward.

18 Q. After that time?

19 A. Yes.

20 Q. And at this stage then the idea was
21 purely to change the existing by-laws of the Association?
22 At this stage there was no thought in forming a Corporation?
23 Is that correct?

24 A. There might have been, I don't know.

25 Q. But at any event in the recommendations
26 which were made by the Committee to the Board, that was
27 not suggested was it? They did not come along and say
28 we don't think we should carry on with the Association at
29 all. We should have a Corporation?

30 A. I don't think that they -- well I don't



1 ENGLISH

2 know right now.

3 Q. I take it also from your evidence---

4 MR. LALONDE: Sorry my lord to interrupt my
5 friend, but it may help him. He can have a look also at
6 Exhibit 674 which was tabled in Quebec dated 25th of
7 January 1960 and which reads -- I am sorry again it is
8 in French but members of the Committee are: Mr. Jean
9 Paul Blouin, Mr. Paul Emile Cloutier, Mr. J-Aug. Dionne,
10 Mr. Yves Gosselin, Mr. Roger Gregoire, Mr. Edgar Morin.
11 Mr. Andre Bedard is responsible, or Chairman of that
12 Committee. If my friend cares to use this Exhibit, it
13 is available.

14 MR. MAHONEY: My lord, I think my friend
15 misunderstands my point. What I was getting at is
16 whenever this has been filed it might have been inaccurate
17 because there was some suggestion that there had been
18 changes, from time to time, in the Committee. This is my
19 only point.

20 Q. To go on, in addition to the work of
21 the Committee, I understand in your testimony that bulletins
22 were sent out, or letters were sent out to all of the
23 members asking for recommendations?

24 A. Telling them who were the members and
25 asking them if they had any ideas to send them forward, yes.

26 Q. And in reply to that letter I think
27 you said that only two suggestions were received?

28 A. I think that is what I said, yes.

29 Q. And that is out of the number 77, less
30 the members of the Committee?



1 ENGLISH

2 A. Less the Board of Directors.

3 Q. Less the Board of Directors, only two
4 were received. Now isn't this an indication in itself
5 that the pilots felt they had elected the people who had
6 expressed the most interest in this and were most capable
7 of doing their work without any interference from them?

8 A. Well sir as I testified previously,
9 that winter of 1960 we had as many as 45 pilots out of
10 that number you mentioned in the office all winter. They
11 knew what was going on. Most of them were there all
12 winter.

13 Q. They were the statisticians were they?

14 A. Not only the statisticians, some of
15 them were on the dispatching Committee. Some of them
16 were on the apprenticeship system which we were studying
17 at the time. Some of them were on the promotions Committee
18 and I don't know what else.

19 Q. Now in your evidence Captain Rousseau,
20 at page 7874 of the English version, which is volume 65(a),
21 you said, starting at line 23: "The Committee met on many
22 occasions to study the by-laws and make recommendations as
23 to their amendments. These recommendations were sent to
24 Mr. Paul Lajoie, the lawyer, to study the Act of
25 Association as well as the by-laws. Mr. Paul Lajoie came
26 to Quebec and convened a few members of the Committee in
27 order to obtain further information and then drafted a
28 project which was then presented to the Board." Now
29 does that alter your testimony of a few minutes ago that
30 you did not go to the legal adviser until after this had



1 ENGLISH

2 been presented to the Board?

3 A. That is correct. Mr. Lajoie came
4 afterwards and met, I think it was the Committee and the
5 Board of Directors and we studied these at length, for
6 two days.

7 Q. But he had been in touch with the
8 Committee before that?

9 A. I don't think so sir.

10 Q. This is what you said.

11 A. Well what happened, and I think I can
12 repeat it just about the way I said it there, that this
13 Committee had worked for a certain period; after the
14 recommendation was drafted and gave these recommendations
15 to the Board of Directors. Afterwards we got in touch
16 with the legal adviser who came down to Quebec and met
17 us and discussed this.

18 Q. This is different from your earlier
19 testimony. I am not disputing it did not happen, but it
20 is different.

21 A. We had so many meetings, I am sorry.

22 Q. As I read a bit earlier, you said, and
23 it is at line 28 of the text, Mr. Lajoie came to Quebec
24 and convened a few members of the Committee. Now can you
25 tell me why he did not convene the whole Committee?

26 A. If the whole Committee was not there
27 it's because perhaps one member was not there or he might
28 have been sitting on another Committee, or might have been
29 absent. He met the Committee.

30 Q. In other words, what you mean is Mr.



1 ENGLISH

2 Lajoie met with them informally? It was not a formal
3 meeting?

4 A. No.

5 Q. And it was at this stage I take it
6 then when those meetings had been held, and when the
7 Board met with this legal adviser, it was at this stage
8 that the idea of the Corporation as opposed to simply
9 amendment of the by-laws was first brought out. Is
10 that correct?

11 A. Very hard to say sir. I know that
12 Mr. Lajoie after working with us for quite a while, if
13 I recall, he sent us a letter which I think the Commission
14 has now, giving us his point of view on the subject.

15 Q. Yes, I know that opinion was filed.
16 And having received that opinion what was the next step
17 which you took? Did you have a meeting of the Board of
18 Directors and discuss this question?

19 A. Must have sir. We had many meetings
20 that winter. Many meetings.

21 Q. Captain Rousseau you at this stage had
22 an alternative before you. You had the idea of amending
23 the by-laws of the Association and you had the idea of
24 forming a Corporation?

25 A. Yes. Well I explained before that
26 we advised the pilots by bulletin and my bulletins are
27 all there. If you care to look, you might find it. We
28 divided the pilots, the whole membership in two. We
29 held preliminary meetings where we had, for instance,
30 half of the pilots at one meeting and we explained to them



1 ENGLISH

2 the whole thing from A to Z.

3 Q. Just stopping there, at this stage the
4 Board of Directors had, presumably, made up its mind to
5 present to the membership the idea of a Corporation?

6 A. Oh I don't remember sir. I think that
7 was left completely to the membership. It was up to them
8 to decide what they wanted. The work was done. The
9 first draft was there. The work had been done. It was
10 up to the membership to decide.

11 Q. This first draft, as I understand it,
12 it did not contain alternatives. It was simply a project
13 for forming a Corporation. Isn't that right?

14 A. I don't just remember now what happened.

15 Q. What I am trying to get at Captain
16 Rousseau is when in all of these transactions a project
17 was put forward which contained the idea of the Corporation.
18 Now you told us that earlier at the General Meeting, at
19 which you were elected, there was a resolution which went
20 no further than to say that the by-laws of the Association
21 should be amended and now we are at the stage where having
22 set up a Committee, having consulted with your legal
23 adviser, there is a suggestion which was subsequently
24 adopted that a Corporation be set up. This is quite a
25 different situation than your original plan and what I
26 want to know is when that transition between the idea of
27 amendment of the by-laws and setting up a new Corporation,
28 when that transition took place?

29 A. Oh I couldn't tell you sir. I couldn't
30 tell you.



1 ENGLISH

2 Q. Well did it take place before the
3 two meetings which were held? You recall you said there
4 were two meetings?

5 A. Three meetings.

6 Q. Yes, but two meetings, one with the
7 pilots from A to G and the other the balance of the pilots?

8 A. And then the last meeting afterward.

9 Q. You were present at those two meetings?

10 A. I was Chairman of these meetings.

11 Q. And at that time was the question of
12 amendment of the by-laws, as opposed to the setting up of
13 a Corporation, discussed?

14 A. We had the letter from our legal
15 adviser giving us the advantages and disadvantages going
16 from the Association to a Corporation. This was certainly
17 put forward to the Committee that was there to study the
18 by-laws, and it was certainly put forward to the Board of
19 Directors. Certainly. When, I don't know sir. I couldn't
20 tell you.

21 Q. Was it put forward to the members at
22 those two first meetings?

23 A. Certainly.

24 Q. And obviously these were not or this
25 was not a General Meeting of the Association, was it?

26 A. They were special meetings to study
27 the draft of a by-law. I might add here that at these
28 meetings were the actual adhesion order. It was printed.
29 It was ready to be signed. Some of the members which
30 even now -- off the record -- some of the members which



1 ENGLISH

2 are now members of the Corporation, at that time in the
3 first meeting wanted to sign right away and I said no.
4 We will give you all the time to study this you want.

5 Q. Captain Rousseau this is exactly what
6 I am getting at. At the time you held those two meetings
7 your membership forms so to speak, were already prepared.
8 The whole project was in an advanced stage wasn't it? Isn't
9 this what was put to the members?

10 A. Well sir I would have to look first
11 through the bulletins. I know that we did not do anything
12 that the members were not well aware of. Did we, as you
13 are trying to make me say, form up ourselves this Corpor-
14 ation, no sir.

15 Q. Captain Rousseau I am not trying to
16 make you say anything. I am just trying to find out when
17 this happened?

18 A. Well sir let's go through the
19 bulletins. We have the whole bunch of them. We will find
20 it somewhere.

21 Q. Would you check it for me, the bulletin
22 which called the two meetings which were held? While we
23 are getting that bulletin, one other question I wanted
24 to ask you as a matter of interest is why you held meetings
25 at which the members from A to G, whose names began from
26 A to G were present and then further meetings for the
27 balance of the members? As a matter of interest why were
28 the members set up that way?

29 A. Well that was for economic reasons. We
30 had an office, we thought instead of renting a place and



1 ENGLISH

2 paying \$25.00 \$35.00 for this place, we thought we would
3 set up the membership and then we also thought it would
4 be much easier and fairer to have a smaller group than
5 a large group to explain this fairly to the members.
6 Instead of having 75 members there, we would take half
7 of them and everyone then was close to us and could ask
8 all the questions which they wanted. That was the main
9 reason.

10 Q. Didn't you feel that this decision
11 was a very important one to the members? Obviously you
12 felt that it was?

13 A. Certainly we felt it was important.

14 Q. Didn't you think it was important
15 enough to warrant a General Meeting of the members?

16 A. We had a General Meeting afterwards.

17 Q. But afterwards the decision had been
18 made had it not?

19 A. There was no decision made whatsoever
20 at the first meeting. It was explanations. We had two
21 or three or four different drafts of these by-laws which
22 were changed at each meeting.

23 Q. We will get to the third meeting a
24 bit later on but you will agree with me that the two
25 meetings which were held with different groups of the
26 members, those two meetings together could not constitute
27 a General Meeting of the Association could they?

28 A. There was no idea---

29 Q. There was no idea?

30 A. There was no idea of having a special



1 ENGLISH

2 General Meeting. The idea was to explain. To study
3 these new regulations word by word. To give a chance
4 to everyone to express their opinion.

5 Q. Now, could we just go over this
6 Exhibit 6 8, and will you show me, Captain Rousseau, the
7 bulletins which were sent to the members calling the two
8 meetings, not the third one you are calling a General
9 Meeting, but the first two?

10 A. Well, I have the whole bunch here.
11 It will take me time.

12 MR. MAHONEY: My lord, perhaps we could do
13 this during the noon recess.

14 THE CHAIRMAN: We will adjourn now, and if
15 you have further research you can ask him during the
16 adjournment. We will adjourn until 2:30 this afternoon.
17 As to the adjournment tonight we are going to adjourn at
18 ~~five o'clock unless otherwise requested.~~

19 MR. LALONDE: I might have a request according
20 to the length of my friend's cross-examination. I wouldn't
21 like to start completely new evidence on another group if
22 I only have half an hour.

23 THE CHAIRMAN: You could ask from Mr. Mahoney
24 how long he expects to be and there might be other questions
25 arising out of the cross-examination. You may guide your-
26 self accordingly, and of course if you only have half an
27 hour left I wouldn't advise you to start an altogether
28 different line of questioning.

29
30 ---Luncheon adjournment.



1 ENGLISH

2 ---Following luncheon adjournment.

3

4 Q. Now, Captain Rousseau, you were going
5 to tell us about the bulletins or bulletin which was sent
6 to members prior to the first two meetings which were held
7 to consider the draft project?

8 A. It was bulletins, sir, plural.

9 Q. Plural?

10 A. These bulletins have Exhibit ~~675~~ 675. I
11 was looking for them here in a bunch, but they were taken
12 out.

13 Q. These are filed under Exhibit 675?

14 A. 675 and 676, sir.

15 Q. Which is the bulletin specifically
16 referring to the two meetings?

17 A. Exhibit 675. It is the 18th of March,
18 1960, and we mention here in the 4th paragraph -- it is
19 right here.

20 Q. I recall---

21 MR. LALONDE: My lord the witness should be
22 allowed to read what he wants.

23 MR. MAHONEY: I am not stopping him.

24 MR. BRISSET: May I suggest if this has been
25 taken out of the file it should be given a self-number
26 like 675(a).

27 MR. LALONDE: It has not been taken out of
28 anything.

29 THE CHAIRMAN: It is suggested it be taken.

30 MR. LALONDE: It has not been taken. It has



1 ENGLISH

2 a separate number in this.

3 MR. MAHONEY: I think there are a number of
4 bulletins still in a group.

5 MR. LALONDE: If you read the testimony in
6 Quebec, the transcript, Volume 65F you will see they
7 are in separately. The whole lot of bulletins is under
8 688.

9 MR. MAHONEY: My lord, I notice still under
10 Exhibit 675 there is a letter dated the 23rd of March,
11 there is the bulletin the 18th of March, the 11th of
12 March and I think my friend means that this particular
13 bulletin referring to the two meetings should be given a
14 separate number. Is that what you mean?

15 MR. BRISSET: 675(a).

16 MR. LALONDE: They were produced, page 2518
17 of the French transcript were produced as Exhibit 675.

18 MR. MAHONEY: My friend is asking these bulletins
19 be given a separate number.

20 THE WITNESS: If I could say these bulletins
21 are not with the whole batch it is because they are
22 related to the by-laws of the Corporation.

23 THE CHAIRMAN: All these bulletins are going
24 to be placed in the order of chronological n~~u~~date and we
25 will be able to find them ready.

26 FRENCH. THE WITNESS: May I proceed: The first meeting,
27 the preliminary meeting will be held the 22nd of March
28 at 2:00 p.m. in the office of the Association for the
29 members whose family letter is from A to K and a second
30 meeting held on the 23rd of March for the other members.



1 FRENCH

2 The draft by-laws will be given at these preliminary
3 meetings and are of the utmost importance we ask you to
4 be present. The other paragraph reads as follows: You
5 will see by reading this draft that it includes some
6 radical changes. We ask you to come and it will be
7 explained to you in the assembly in order to approve or
8 disapprove of such articles. The propaganda in favour or
9 against this draft before anyone knew everything about
10 it can only be ^{stopped} if everyone see it. We thank you very much
11 for your co-operation. Yours very truly, Gaston Rousseau.

12 ENGLISH. MR. LALONDE: It has been read on page 2520
13 and 2521 of the French transcript and I would like the
14 witness to read the first part of this bulletin. He
15 started a little bit late in the bulletin. I would like
16 him to start from the beginning of the paragraph.

17 FRENCH. THE WITNESS: The bulletin starts like this:
18 Dear Members, the General Meeting of the 13th of January
19 requested to establish a Committee to revise the by-laws
20 of the Association. The Assembly formulated this request
21 following a report of the President Mr. Roland Barras who
22 was stressing that a revision of the by-laws was in order.
23 The Committee was established to study this problem and
24 a circular letter was sent to all members asking them to
25 send their recommendations. The Committee met on a number
26 of occasions and studied the by-laws and made recommenda-
27 tions. These recommendations were sent to Mr. Paul
28 Gerin Lajoie who studied the Act of the Association By-Laws.
29 He came to Quebec and called a few members of the Committee
30 to give more information and drafted a project or draft



1 FRENCH

2 which was presented to the Committee. The Board of
3 Directors studied two days to revise the draft by-laws.
4 In order that every member would have a larger opportunity
5 to speak and ask for information we have decided to call
6 two preliminary meetings where Mr. Paul Gerin Lajoie will
7 be present. We will inform you of the date of the Special
8 General Assembly. Then it goes on.

9 ENGLISH. MR. MAHONEY: Q. Thank you. I realize that
10 this had been read into the evidence before. In reading
11 the transcript there was in my mind some confusion as
12 to the final paragraph, the paragraph which Captain
13 Rousseau read first. That confusion still exists in my
14 mind. That is why I asked him to read again, in answer
15 to my friend's objection. The confusion which exists in
16 my mind, Captain Rousseau, is with respect to whether or
17 not from the wording of this bulletin a copy of the
18 draft prepared by Mr. Paul Gerin Lajoie was sent to the
19 members. Was it sent attached to this or was it not?

20 A. No, I am sorry to say we had three
21 projects. Not only one. There was a first -- a project
22 was drafted. This project was given to the members.

23 Q. I am sorry, can you tell me when that
24 was?

25 A. Gee whiz, you don't expect me to remember
26 all these dates?

27 Q. Was it some time earlier?

28 A. Sometimes earlier -- earlier than what?

29 Q. Earlier than this double meeting?

30 A. Oh, it must have been.



1 ENGLISH

2 Q. Some months earlier?

3 A. It couldn't have been months. The
4 Committee was working on the draft that winter.

5 Q. Fine go on then?

6 A. There was a second draft, if I remember
7 correctly which was also corrected again after these
8 meetings.

9 Q. I am sorry to interrupt, these first
10 two drafts were submitted to the members generally ?

11 A. No, we didn't send the first draft and
12 we didn't send the second draft and we didn't send the
13 third draft. I know that we had three different drafts.

14 Q. Yes?

15 A. The third draft -- I still have that
16 with me.

17 Q. My question is---

18 A. This third draft -- there is a difference
19 between the third draft and the details I have here because
20 at the last general meeting which all members -- most of
21 the members were there, I think that some of the members
22 even asked for corrections, amendments, let us say.

23 Q. So I am correct in saying that none
24 of these drafts, none of the three drafts were actually
25 sent to the members in advance of the two meetings?

26 A. Perhaps not. I know, and you will find
27 somewhere in my bulletin that the members which didn't
28 come to this meeting were sent---

29 Q. I agree. That was afterwards?

30 A. Yes, if I remember I said here somewhere



1 ENGLISH

2 between the first and second meeting we gave them so
3 many days and we told them they had so many days to study
4 this thoroughly and that is why as I said this morning
5 we didn't ask anyone to sign the adhesion at this first
6 meeting.

7 Q. When you say between the first meeting
8 and the second meeting, you mean between the first two
9 meetings and the third?

10 A. Correct.

11 Q. Your answer to my other question was
12 perhaps. I would like something more definite if you can
13 give it?

14 A. I don't think I can give anything
15 more definite.

16 MR. LALONDE: In the transcript from Quebec,
17 85F, page 2522 of the French text I myself asked the same
18 question and he answered: I cannot remember if we have
19 sent these or if we gave them when they came to the
20 preliminary meetings. I know very well that the ones that
21 didn't come to the preliminary meetings were sent it
22 afterwards.

23 Q. That draft?

24 A. Yes, the third draft.

25 MR. MAHONEY: I am aware of what was said
26 on that occasion. The translation in that respect was
27 very good.

28 MR. LALONDE: I don't see why there is confusion
29 in my friend's mind. It is in the record.

30 THE CHAIRMAN: It is the right to cross-



1 ENGLISH

2 examination and even to start all over again, examination
3 in chief.

4 MR. MAHONEY: Q. In spite of what my friend
5 says, it is in the record, it is not clear in my mind.
6 That is why I want the specific question answered. Did
7 you or did you not send the last project to the members
8 before the first two meetings?

9 A. I don't remember, sir. I just don't
10 remember. There is no use trying to get it out of me.
11 I don't remember.

12 Q. When you read the bulletin it makes
13 reference to the draft and it suggests in a certain way
14 that the project will not be sent to them because it is
15 complicated and it might be misunderstood and yet the
16 mere fact that the draft for their submission is mentioned
17 and the mere fact that the meetings are being held to
18 discuss this draft would lead to the conclusion in my
19 mind that the draft would have been sent to the members
20 for advance examination. I find it difficult to believe
21 that you don't remember whether or not this thing was sent
22 or not?

23 A. You find it difficult as far as you
24 are concerned. As far as I am concerned I don't remember
25 period.

26 Q. Will you read over your bulletin again,
27 just in your mind?

28 A. I will start right from the very first.

29 Q. Just read it over privately and see
30 what conclusions you come to yourself now as a result of



1 ENGLISH

2 the wording of that bulletin?

3 A. If you don't mind I will start reading
4 from the beginning.

5 MR. LALONDE: I think he is misled to some
6 extent. There is a Exhibit, a bulletin which refers to
7 a project annexed to a letter.

8 MR. MAHONEY: That is right.

9 MR. LALONDE: The witness in the box says he
10 does not remember. The inference is not what my friend
11 is trying to make it sound like. The inference to me is
12 that it is likely sent but that the witness doesn't
13 remember whether effectively it was or wasn't.

14 THE CHAIRMAN: That is what I gathered. He
15 doesn't remember whether the draft was sent or not.

16 MR. LALONDE: One bulletin refers to the fact
17 that a draft is annexed or something of that sort.

18 MR. MAHONEY: This is exactly the point.
19 There is in the record of where a draft is annexed as my
20 friend says. On the other hand in the wording of this
21 bulletin it states this matter is too complicated for the
22 other members to receive it in advance.

23 MR. LALONDE: I would like my friend to see
24 in the bulletin---

25 THE CHAIRMAN: This will be a matter of
26 argument, if we could just have the facts now and put the
27 questions on facts. If the witness doesn't remember he
28 has only to say so. Of course Mr. Mahoney may try to
29 refresh his memory, that is normal, and if he doesn't
30 remember after that he has only to say he doesn't remember.



1 ENGLISH

2 That is inherent to human people.

3 A. If I may say, Mr. Mahoney states that
4 the way it is worded might imply, but as I stated before
5 and I will repeat again, I am not a University Professor,
6 nor did I go to University. I am a Captain and a pilot
7 and I have worded this to the best of my knowledge. This
8 is the best I could do. Perhaps if you study every word
9 you might find somewhere where I should have used another
10 word but right now anyhow that is how I wrote it the best
11 I could to write this bulletin.

12 MR. MAHONEY: I am not complaining.

13 THE WITNESS: Apparently you are.

14 MR. MAHONEY: Q. I am simply asking for an
15 explanation?

16 A. The explanation I gave, that is all I
17 can give you as far as this explanation is concerned.

18 Q. Will you tell me when the pilots
19 appeared at these two meetings whether there was a full
20 discussion?

21 A. I will repeat what I said again when I
22 was asked this question. This draft was explained word
23 by word from the very scratch -- from the very first to
24 the very last at this preliminary meeting and at the
25 second meeting, even, well the members probably thought
26 we are being too fussy about this but we started again
27 reading over every article word by word and asking them
28 after every article was read if they had any questions
29 or explanations after every article was read. I would
30 repeat.



1 ENGLISH

2 Q. Do you feel that they had a sufficient
3 opportunity to study the draft privately, to think about
4 it?

5 A. I do.

6 Q. You still say, I take it, that you
7 can't remember whether or not the draft was sent to them
8 beforehand?

9 A. I can't sir.

10 Q. If I suggest to you that my interpreta-
11 tion of the wording of your bulletin/^{is}that it wasn't sent
12 would you disagree with that?

13 A. I don't agree or disagree with you,
14 sir, on this one. That is all there is to it.

15 Q. Now, during this meeting, I think you
16 told us earlier that some of the members present -- some
17 of the pilots present in their enthusiasm for this project
18 were prepared to sign the membership forms at that very
19 meeting?

20 A. The first meeting?

21 Q. The first meeting?

22 A. Yes.

23 Q. That is correct. Did anyone sign in
24 fact?

25 A. We refused them.

26 Q. Why did you refuse?

27 A. Just because we wanted them to study
28 these things as much as they could -- that was the policy
29 which we adopted to start with, they should have as much
30 time as possible before the General Meeting.



1 ENGLISH

2 Q. Were there many amendments made to the
3 actual draft at these two preliminary meetings?

4 A. The first meeting, yes, there were.

5 Q. There were several amendments?

6 A. Yes.

7 Q. Is that part of the reason why you
8 didn't want people to sign at that meeting?

9 A. No.

10 Q. Because---

11 A. Because we wanted them to get well
12 acquainted with everything contained in the new project
13 before signing anything, and that was the main reason.
14 That was the only reason, I mean.

15 Q. Why would a pilot present at that
16 meeting come to you and say that they wanted to sign
17 a membership form then and there? ~~was~~ the membership
18 form there and they could see it?

19 A. I don't know if -- first we explained
20 to them we didn't want them to sign after the first
21 preliminary meeting -- I believe the form was there.
22 I believe the form was ready, but whether they saw the
23 form -- I don't think so. We didn't give anyone the form
24 anyhow because we refused quite a few came to the table
25 and said well, we are ready to sign. We said no, this
26 is our policy and you will sign after you have studied
27 this.

28 Q. When you said that "we", Captain
29 Rousseau, when these people came to the table did they
30 come to you and you said?



1 ENGLISH

2 A. I guess so. I was Chairman.

3 Q. You were Chairman?

4 A. And our legal adviser was alongside of
5 me and most of the Directors weren't far.

6 Q. You were the official spokesman?

7 A. Naturally, I was the Chairman.

8 Q. How many pilots would you say came to
9 you with a request to sign?

10 A. It is hard to say, very hard to say,
11 a few came after the meeting and they offered to sign.

12 Q. How many?

13 A. How many, gee whiz, I wouldn't know.

14 Q. ~~Can I take~~ from what you told me a
15 few minutes ago they had no knowledge of the terms that
16 were incorporated in that membership formed?

17 A. I don't think, as I said we showed
18 them that first, ~~the adhesion~~ form.

19 Q. When they came over to sign this they
20 didn't know what they were signing or what they would be
21 signing?

22 A. They were---

23 MR. LANGLOIS: I must object. Who is the
24 witness, is it my friend Mr. Mahoney or Captain Rousseau.
25 My friend is putting words into the mouth of the witness
26 in this line of questions; I am sure unwittingly but he
27 is getting the witness to say what he wants him to say and
28 I think it is the wrong approach. I strongly object to
29 this line of questioning.

30 THE CHAIRMAN: Of course, the last line of



1 ENGLISH

2 questioning there is something there, the form and therefore
3 asking them to sign it without even showing it to them --
4 there is inference they would be signing things they
5 wouldn't know about. Maybe they were informed before. I
6 don't know. Maybe there is an explanation. The witness
7 is going to answer.

8 MR. LANGLOIS: I don't know how the witness
9 can explain what was going on in their minds. He is not
10 a mindreader.

11 MR. MAHONEY: Q. I am not asking you to
12 explain what was in their minds. I am asking you to tell
13 me what to the best of your recollection, what they said
14 to you as Chairman?

15 MR. LANGLOIS: It is a different question.

16 MR. MAHONEY: He say they came forward and
17 they offered to sign.

18 MR. LALONDE: On a completely different point.

19
20 ---Off the record discussion.

21
22 MR. LANGLOIS: My objection was, I was object-
23 ing to my learned friend trying to get from the witness
24 what was in the minds of those who had offered to sign.
25 That is all.

26 THE CHAIRMAN: What they said, that is a fact.

27 MR. LANGLOIS: He changed the question. That
28 is not the question I objected to.

29 MR. MAHONEY: Q. I don't believe I ever
30 asked the witness what was in their minds. I don't think



1 ENGLISH

2 that I would have been quite that inept.

3 THE CHAIRMAN: We won't make a trial of your
4 question. Start over again your line of questions. Will
5 you rephrase the question.

6 MR. MAHONEY: Q. You say, Captain Rousseau,
7 that at the meeting a number of persons and I take it
8 you can't remember the number from what you said earlier,
9 approached you and asked you to sign the membership form.
10 That is correct isn't it?

11 A. If you want to play ^{on} words perhaps you
12 are not absolutely correct. I mentioned I didn't know
13 if we had the form on the table. They asked if they could
14 sign for the Corporation, sign the form. I don't know.

15 Q. You told us earlier that to the best
16 of your recollection the form wasn't shown to them; is
17 that right?

18 A. I don't know if it was shown to them
19 or not.

20 Q. You don't think it was. That is what
21 you said earlier. I am giving you an opportunity to change
22 your mind if you want.

23 MR. LANGLOIS: It is a very important point.

24 MR. MAHONEY: Q. Well, I think we did agree,
25 Captain Rousseau, before the adjournment that these
26 two preliminary meetings weren't considered general
27 meetings in any sense; is that correct?

28 A. I said there were no minutes held at
29 those meetings.

30 Q. Now, following that and I take it that



1 ENGLISH

2 after a final copy of the project had been prepared a
3 further meeting was called. That is correct isn't it?

4 A. No, sir.

5 Q. There was a third meeting?

6 A. There were two meetings, preliminary
7 meetings.

8 Q. And then a further meeting was called?

9 A. The third meeting.

10 Q. This was the General Meeting?

11 A. It was held---

12 THE CHAIRMAN: Could we say the first two
13 meetings were really one meeting held in two parts.

14 MR. MAHONEY: I think we could say that. I
15 simply wanted to make the point that they couldn't be
16 considered a General Meeting or Special Meeting because
17 the membership---

18 THE CHAIRMAN: That is what we understood,
19 they are not regular meetings of the Association. They
20 were just group members grouping together in order to study
21 the draft.

22 MR. LALONDE: I would even add, with respect,
23 my lord, if we read the articles of the Association it
24 wasn't even necessary to call a meeting at all, amendment
25 to the Act of Partnership or Association could be done
26 with signatures of two members as it has been done in the
27 past from time to time.

28 THE CHAIRMAN: In any event it doesn't matter.

29 MR. MAHONEY: Q. In any event, Captain
30 Rousseau, you did call a third meeting which was a



1 ENGLISH

2 General Meeting; that is right, isn't it?

3 A. Right. Now I will have to watch what
4 I say. I will look at my bulletin.

5 Q. That meeting in case you want to check
6 was on March 29th at the Palais Montcalm?

7 A. 1960, yes, sir.

8 Q. And at that meeting, as I understand
9 it from your evidence you explained the draft which had
10 been corrected following the first of the preliminary
11 meetings, right?

12 A. If I what?

13 Q. You explained to the members at that
14 General Meeting the draft, the final draft which had been
15 prepared following the amendment suggested by them at
16 the first?

17 A. This is right here. This is the third
18 project. We had this one.

19 THE CHAIRMAN: What is asked of you, the third
20 draft was brought in wasn't necessarily similar to what had
21 been shown the members at that meeting that had been held
22 on the two occasions prior occasions.

23 THE WITNESS: I don't recall, your lordship if
24 the members were given this third project there or before.
25 I don't recall. I know the third project which we studied
26 at the Palais Montcalm on the 29th.

27 THE CHAIRMAN: It is the third project --
28 do you know or not?

29 A. after
It is the first and second project.

30 MR. MAHONEY: Discussed?



1 ENGLISH

2 THE WITNESS: Yes.

3 THE CHAIRMAN: Discussions, meetings.

4 Q. Now Captain Rousseau I have been
5 interested in the point which my friend just raised, the
6 practice which had been developed in the Association of
7 having proposals signed by two-thirds of the members
8 which then automatically became a regulation or a by-law
9 of the Association. That was the practice wasn't it?

10 A. Yes.

11 Q. And I assume that the reason for that
12 practice was because, in the practice of a pilotage, that
13 it was not always possible to get the members together
14 for a meeting and this was a practical way of deciding
15 what the pilots were going to do or what the majority
16 wanted to do. That is correct isn't it?

17 A. Your question was very long. Now I
18 will have -- I don't recall the first part.

19 Q. To shorten it, it was a matter of
20 convenience?

21 MR. LANGLOIS: My lord, my friend is asking
22 the witness to assume with him.

23 MR. MAHONEY: This is standard cross-examination
24 procedure. I am quite entitled to do that.

25 MR. LANGLOIS: Not an assumption. He is here
26 to give facts, not assumptions.

27 THE WITNESS: As a matter of fact, if this
28 carries on I won't be---

29 THE CHAIRMAN: Would you read the question?
30



1 ENGLISH

2 (English Reporter reads question: And I
3 assume that the reason for that practice was because, in
4 the practice of a pilotage, that it was not always possible
5 to get the members together for a meeting and this was a
6 practical way of deciding what the pilots were going to
7 do or what the majority wanted to do. That is correct isn't
8 it?)

9 Q. Do you understand the question?

10 A. No, I don't. I will have to read the
11 Act of Association to see what we had, what we could do
12 then and what we couldn't do.

13 Q. Must you refer to the Act? Don't you
14 know what the rules are?

15 A. Of the Association?

16 Q. Yes?

17 A. Right now I will just answer what I
18 am sure of.

19 Q. Through the years the practice had
20 grown up of making these decisions by the very simple
21 process of having a petition or a proposal signed by the
22 majority of the members rather than holding a meeting?

23 A. Two-thirds.

24 MR. LANGLOIS: My lord, this is not a question.
25 This is a statement of fact.

26 THE CHAIRMAN: He is asking whether this is
27 the fact.

28 MR. MAHONEY: I have made a statement of fact.
29 I am asking the witness if he agrees.

30 THE CHAIRMAN: Whether it is true or not.



1 ENGLISH

2 Question allowed.

3 A. Two-thirds. Yes.

4 Q. Do you agree that this was the practice?

5 A. Well I know that before the Corporation
6 was formed there was a request or requests used to fly
7 quite thick and heavy changing things without even studying
8 the matter.

9 Q. So you don't think it was a very good
10 practice?

11 A. It was not.

12 THE CHAIRMAN: Without proper meetings being
13 held and discussions made in the open?

14 THE WITNESS: That is correct your lordship.
15 A fellow used to -- during the season had an idea, put
16 it down on a piece of paper and started running around
17 asking his confreres to sign it. If he had two-thirds,
18 then they changed the law. They changed the by-law.
19 Changed whatever they wanted to change.

20 Q. But in the Association although this
21 method was used as a matter of convenience, where it was
22 possible to have meetings of all the pilots to discuss
23 something, was not that the practice adopted rather than
24 having a paper circulated?

25 A. That is right. We used to do it, have
26 a paper circulated with the signatures on it. That is the
27 way they worked it.

28 Q. But in that event, and except as a
29 pure matter of form, why was it necessary ever to have
30 meetings?



1 ENGLISH

2 MR. LALONDE: Is my friend referring to the
3 general practice or the case of 1960?

4 MR. MAHONEY: No, I am referring to general
5 practice.

6 MR. LALONDE: I think my lord that the object
7 of a General Annual Meeting appears in the Act of
8 Association itself. Why they should have General Meetings.

9 MR. MAHONEY: My lord that is why I said except
10 as a pure matter of form.

11 MR. LALONDE: If we read the Act of
12 Association, we find it is not a pure matter of form.
13 They have a provision for meetings, Annual Meetings every
14 second Wednesday in January, clause 21 of the Act of
15 Association, and clause 23 sets out the order of the day
16 and the purpose of this General Annual Meeting. I think
17 this Act speaks for itself.

18 THE CHAIRMAN: Yes, but the question goes a
19 little further than that. Would you rephrase your question?

20 Q. My question, as I recall it -- well I
21 could put it in another way my lord. If the practice of
22 taking both major and minor decisions by means of a
23 circulating paper was the general practice, was there ever
24 any necessity to decide problems at a General Meeting
25 except the formal routine business of electing officers
26 and having the annual meeting satisfy the law?

27 A. We used to bring up different questions.
28 I don't remember what they were at the General Meeting,
29 yes.

30 Q. But those questions might just as



1 ENGLISH

2 easily have been brought up in the form of a circulated
3 paper. Is that right?

4 A. I think so, yes.

5 Q. You did not think this was a very good
6 practice?

7 A. To have these papers circulated? No,
8 I did not think it was a good practice, no.

9 Q. Now then let's get back Captain Rousseau
10 to the General Meeting which you called for the purpose
11 of putting the third draft before the members. Again
12 there is some slight confusion in my mind, and in the
13 transcript of evidence as to whether there were formal
14 minutes of this meeting held.

15 A. There were not. I don't believe there
16 were.

17 Q. I am glad you said that because on
18 Mr. Brisset's cross-examination that was the answer that
19 you gave then and I found it so surprising that I wanted
20 to check with you. So that no minutes of this important
21 meeting were held?

22 A. No sir. We had a legal adviser. We
23 were proceeding under his direction and I certainly must
24 have asked him if I should keep minutes of that meeting.

25 Q. And what happened at that meeting, as
26 I understand it, Captain Rousseau, was that the third
27 draft was read and explained to the members present.
28 Correct?

29 A. Yes. More than that, there were the
30 advantages of incorporation, that was in the front part



1 ENGLISH

2 of this (indicating) which I still have here.

3 Q. The draft was read and explained?

4 A. The draft ~~the~~ by-laws and also an
5 explanation why we should go from the Association to the
6 Corporation.

7 Q. And in addition to that the membership
8 forms were handed out for signature?

9 A. No, not then.

10 Q. They were handed out at that meeting?

11 A. Afterwards they were. They might have
12 been inserted into this draft but I know that we asked the
13 members to sign these only after the meeting was over.

14 Q. I understand from your previous
15 testimony that these documents were handed to the members
16 on the same occasion, let's put it that way, the same day,
17 in the same building, in the same room, at the same hour.
18 Isn't that right?

19 A. The adhesion form?

20 Q. Yes.

21 A. I don't recall. All I can recall is
22 that we asked them to sign these two forms only after the
23 meeting was over and we had read the advantages and we had
24 studied again the by-laws, every article. Even if a man,
25 for instance, had to leave the hall, the meeting to go
26 somewhere, we did not allow him to sign these forms. We
27 did not allow anyone to sign these forms until this was
28 completely studied over.

29 Q. I am not arguing with you on that point
30 Captain Rousseau. After it was studied and explained, on



1 ENGLISH

2 that same day the membership forms were handed out were
3 they not?

4 A. I couldn't tell you. I don't think
5 so. Right there I don't remember.

6 Q. Can you tell me whether any signed
7 membership forms were received on that day?

8 A. Any signed---?

9 Q. Any signed membership forms?

10 A. Were received? Yes sir.

11 Q. Then Captain Rousseau if they were
12 received they must have been handed out?

13 A. Yes, but you are asking me when were
14 they handed out. I am telling you I don't know when they
15 were given. They were given to the members. Of course
16 they were given to the members. But to tell you when, I
17 don't know when they were given.

18 Q. I will go over it again Captain Rousseau.
19 I asked you if the membership forms, any membership forms
20 signed were received back on that same day and you said
21 yes.

22 A. Signed, of course. We received them
23 all in after the meeting.

24 Q. On that same day, after the meeting?

25 A. Yes, they came along the table and then
26 we started to receive these forms.

27 Q. Well then Captain Rousseau if you were
28 receiving forms from the membership immediately after
29 the meeting, the membership forms must have been handed
30 to them at the meeting.



1 ENGLISH

2 A. As I said I don't know. They might
3 have been given at the same time as this (indicating).
4 They might have been inside here (indicating). They might
5 have been given at the first meeting. I don't remember.
6 Really I don't remember but they certainly had them on
7 hand there. They had them in hand.

8 Q. In any event then you received some
9 of the membership forms at that time?

10 A. That day?

11 Q. That day.

12 A. After the meeting, yes sir.

13 THE CHAIRMAN: Would you mind an interruption
14 for a few seconds? Mr. Rennick is going to leave and we
15 are going to continue in a few minutes.

16 (Mr. Rennick leaves hearing)

17

18 ---Short recess.

19 ---Following short recess.

20

21 Q. Now Captain Rousseau before we adjourned,
22 we were discussing the question whether or not the member-
23 ship forms were handed to the pilots on the day of the
24 General Meeting of March 29th -- have I got the right date?
25 March 29th?

26 A. Yes.

27 Q. And you seemed to be in some doubt as
28 to whether they had been handed to the members on that day,
29 although you were quite clear that some of them had been
30 received on that day. Am I stating it correctly?



1 ENGLISH

2 A. I am sure that some of them received
3 them on that day.

4 Q. Yes, I agree with you.

5 A. How many were received, I don't know.

6 Q. But you were in some doubt that the
7 membership forms had actually been handed out on that day?

8 A. I don't know when they were. I can't
9 remember when they were handed out.

10 Q. Is it possible they were handed out
11 earlier than that?

12 A. Might have been.

13 Q. Before the meeting?

14 A. Yes sir.

15 Q. I can say that I tend to agree with
16 you on that. I notice in Exhibit 713 that at least one
17 of the forms was dated on the 28th day of March, which
18 would indicate they were handed out before the meeting.
19 That is correct isn't it? I notice on the list Raymond
20 Cloutier and the date is the 28th of March 1960, so I
21 think that that is clear.

22 A. That is something I did not know. I
23 did not know that this man had signed before the 29th.
24 I was not aware of that.

25 Q. He actually signed before the meeting
26 itself.

27 THE CHAIRMAN: Of course the date on the
28 document does not show much. It would have to be proved
29 by the witness, if we were to use it as definite proof,
30 because, as you know, in a private document like that a



1 ENGLISH

2 date appearing on the document does not mean that it
3 was signed that day.

4 MR. MAHONEY: No, not necessarily. I don't
5 think anything hangs on the point.

6 Q. I notice that of the list that I have
7 here that you received 15 signatures or signed forms on
8 the 29th. That is the day of the meeting. Would this
9 agree generally with your recollection?

10 A. No sir. There were more than 15.
11 Because all the Directors were in favour. We were 7 of
12 us right there and there were more than 7 members, more
13 than 8 members that signed. There were more than that.
14 I might be wrong, but it seems to me there was quite a
15 few that signed.

16 Q. May I read to you from the list of
17 members. You would agree or disagree with these names on
18 the list; noting the ones which from the list were signed --
19 and this list, I take it, was prepared from the forms
20 themselves?

21 A. Well I don't know. I haven't seen that
22 list. I don't know.

23 Q. This is Exhibit 713?

24 A. Yes. I can count 20 here. 20 that
25 were signed on the 29th of March, just roughly.

26 Q. Well the figure is noted here, it may
27 be wrong. Let's go over them together shall we? Andre
28 Bedard is one. Andre Bedard was a Director, right?

29 A. Yes.

30 Q. 2, Berrigan, is he a Director?



1 ENGLISH

2 A. No.

3 Q. Was he on the Committee?

4 A. You have the list sir. You can refer
5 to the list.

6 Q. I believe it was in that letter that we
7 had earlier. I have it. We can refer to this list.

8 A. I count 17 your lordship. I made a
9 mistake.

10 Q. I still count 15. Anyhow, we have
11 Andre Bedard who was on the Board of Directors signed on
12 the 29th. That is one. Marc Berrigan on the 29th, that
13 is two. He was not a member of the Committee nor a
14 Director??

15 MR. LALONDE: Which committee?

16 MR. MAHONEY: The Committee which sat on the
17 rules, on the revision of the by-laws.

18 Q. Three Henri Brochu, is he a member of
19 the Directors or the Committee?

20 A. No.

21 Q. Four Charles Bruneau is he a member of
22 the Directors or the Committee?

23 A. No.

24 Q. That was four. Five Lavery Chouinard
25 is he a member of either?

26 A. No.

27 Q. Six?

28 A. Yes, he was a member of the Board of
29 Directors.

30 Q. Michel Dussault?



1 ENGLISH

2 A. Yes.

3 Q. Seven Wilfrid Fafard. That is the
4 fellow that came from Accapulco?

5 A. No, that is another one.

6 Q. That is seven, Wilfrid Fafard. Eight
7 Denis Fournier.

8 A. He was not a member.

9 Q. Nine?

10 A. Yves Gosselin, he was a member of the
11 Committee, not the Board of Directors.

12 Q. Ten Roger Gregoire?

13 A. He was a member of this Committee.
14 John Keating.

15 Q. That is eleven?

16 A. Yes. Vilandre Lafleur

17 Q. Twelve, Lafleur. Thirteen Yves Larve.

18 Fourteen Andre Leclerc, Fifteen, Marius Malouin. Were any
19 of those last ones members of the Directors or the
20 Committee?

21 A. No sir.

22 Q. So fifteen according to this list and
23 one on the 28th, right?

24 A. Yes. I counted him. We won't argue
25 over a couple.

26 Q. But of that number several were either
27 Directors or members of the Committee. Is that right?

28 A. Yes and there are quite a few that
29 signed the day afterwards, on the 30th, just by glancing
30 at the list there.



1 ENGLISH

2 Q. Now from your evidence in chief,
3 Captain Rousseau, I note that, and I had this confirmed
4 by this list, that from March 29th until the time when
5 53 members signed, that took until May 9th 1963? Is
6 that your recollection?

7 A. May 9th?

8 Q. Perhaps it would help if I read from
9 the transcript on page 7886 of the volume 65A of the
10 English text, line 20. I believe that I am -- the text
11 is not clear -- but I believe I am reading a statement of
12 my friend Mr. Lalonde.

13 MR. LALONDE: Well it's no good.

14 Q. "I have here my lord photostatic copy
15 Exhibit from the Minutes of the Association of the Licenced
16 pilots for Quebec Harbour and Below. A meeting held on
17 May 17th 1960, a special meeting of the Board of the
18 Association at which it is noted that before May 9th
19 1963, 53 of the members of the Association had signed the
20 documents read here this morning amending the Act of
21 Association." Now you agree with that? I am not sure
22 whether you said it or Mr. Lalonde said it.

23 MR. LALONDE: My lord it is an Exhibit before
24 the Commission anyway. It's an abstract of minutes, as
25 such. 677.

26 Q. Yes. You agree with that, almost two
27 months passed before 53 names were secured?

28 MR. LALONDE: My lord, the statement is that
29 there was a special meeting of Board of Directors to
30 the effect that before May 9th 1960 53 members had signed



1 ENGLISH

2 but what time exactly, we will have to calculate on the
3 Exhibit which my friend had before. If he wants to know
4 when exactly the 53 members had signed, it might have been
5 9th of May, 8th of May, might have been before.

6 Q. I am assuming that it was May 9th and
7 I think this assumption is correct isn't it?

8 A. I don't recall sir. I know that we---

9 Q. We can check it with the list then.
10 Unfortunately these do not seem to be in proper order but
11 it would seem -- yes my lord I believe they are in proper
12 order. It would seem that the list on the left hand side
13 of the page contains all of the names of pilots who had
14 signed before, the latest date that I seem to find is
15 the 22nd of April and there are 53 names on that list.
16 Would you agree with that?

17 A. I know when we asked for our charter we
18 had two-thirds.

19 Q. So that it took approximately one
20 month then from the date of the meeting until you had
21 53 signatures, at which time you proceeded as set out in
22 the transcript?

23

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1 ENGLISH

2 A. I don't know how long it took.

3 Q. The meeting of the Board of Directors;
4 is that correct?

5 A. I said I don't know how long it took
6 to collect the 53 signatures. We didn't run after anyone
7 after the last meeting. They came whenever they felt like
8 it.

9 Q. Well, Captain, let us examine that.
10 On the 29th of March you had, in fact, 16 names on the
11 list, 16 signatures, right?

12 A. That is right.

13 Q. And you needed considerably more than
14 that didn't you?

15 A. Yes.

16 Q. So you say that there were no discussions
17 on this matter with the pilots who had not yet signed?

18 A. I know that I didn't go to anyone and
19 ask them to sign the form.

20 Q. You were quite concerned about this
21 matter, weren't you?

22 A. I was concerned about it?

23 Q. Yes?

24 A. We had done -- up to now we had come
25 to a spot where we had done our work and it was up to
26 the members to decide whether they wanted it done or not.
27 As far as saying I was concerned about it, no.

28 Q. You wanted it to be passed, did you not?

29 A. Well, certainly, but to be concerned,
30 no, not so.



1 ENGLISH

2 Q. In any event a period of approximately
3 one month passed before you had a sufficient majority of
4 signatures to go ahead?

5 A. At times that winter we were so busy,
6 and had so many irons in the fire that this was finished
7 and we went somewhere else and worked on something else.

8 Q. This was before the real commencement
9 of the navigation season, wasn't it?

10 A. Yes, sir.

11 Q. The pilots all in the Quebec area,
12 there was no difficulty?

13 A. They were there -- we had quite a few
14 of them in the office working on statistics.

15 Q. Presumably because of your activities
16 they were, perhaps, closer together than they would have
17 been in normal winters?

18 A. That winter they certainly were.

19 Q. So there was plenty of opportunity for
20 them of talking among themselves?

21 A. They were divided into groups.
22 One group left the office in the morning and another
23 group came in in the afternoon.

24 Q. They still, I suggest to you, had more
25 opportunity to discuss this matter among themselves than
26 they would in the normal winter?

27 A. I suppose so. I suppose so.

28 Q. Presumably the persons who had already
29 signed the membership form, perhaps not being so convinced
30 of the project would be concerned that the others would



1 ENGLISH

2 sign and would talk to their brother pilots?

3 A. That was certainly an interesting topic

4 Q. Yes, and the intent of the conversation
5 would naturally be to persuade them to sign?

6 A. There was an awful lot of conversation
7 that winter. As I said previously that is the winter that
8 the classification of pilots was put into force and that
9 alone caused an awful lot of talking if you like to talk
10 about these things. The shifting of the station also
11 brought an awful lot of talk.

12 Q. Captain Rousseau let us approach it
13 from the other side. As it turned out there were some
14 pilots who never did sign this form; that is right?

15 A. Six out of 77.

16 Q. These six have held out until now?
17 That is correct?

18 A. Absolutely correct.

19 Q. So I think it is a fair assumption
20 that at the time these matters were being discussed and
21 at the time when a majority was needed to put the matters
22 through...

23 MR. LALONDE: Two-thirds.

24 Q. At the time the two-thirds majority
25 was necessary to put the matter through these six pilots
26 presumably were very opposed?

27 A. Opposed?

28 Q. Yes.

29 A. If I can presume I could say that there
30 are some pilots, as I said this morning that don't belong



1 ENGLISH

2 to this Corporation that was ready at the first meeting
3 to sign, but for reasons -- for instance the abolition of
4 special pilots -- they had quite a time to swallow that
5 one and they wouldn't sign it. That is the reason why
6 I didn't want to bring it up. It is no concern here, I
7 don't think.

8 Q. You agree they were very opposed?

9 A. They weren't opposed to the incorporation,
10 of course not.

11 Q. Could you tell me if they weren't
12 opposed to the incorporation why they didn't join it?

13 A. Because afterwards these people were
14 special pilots and they can't get over the idea that they
15 have lost their privileges of being special pilots.

16 Q. So this was spite on their part?

17 A. Call it whatever you like.

18 Q. If you held a spite---

19 A. I didn't hold a spite against---

20 Q. I am saying if you did?

21 A. If -- that is different.

22 Q. And someone is trying to accomplish
23 something you are going to try and block it, aren't you?

24 A. I don't follow you there.

25 Q. You told me that these people didn't
26 like what was being done, that maybe in their mind they
27 had no reason for it but they were being spiteful?

28 A. They liked the incorporation.

29 Q. Captain, if they liked incorporation, why
30 didn't---



1 ENGLISH

2 A. I just said and repeated it twice at
3 that time the system of special pilots was still in force.
4 That was abolished in the spring. As soon as they found
5 out that they had lost their privileges as special pilots
6 they were very bitter and just because we were in the cog
7 -- we were for the abolishing of special pilots -- now,
8 of course, they didn't want to join the rest of the group.

9 Q. So that they were bitter against the
10 people who had abolished special pilots?

11 A. Were bitter against the majority of
12 the group. If they wish to live that way that is not my
13 concern.

14 Q. You agree with me it would be natural
15 for them to be bitter against the majority of the group
16 and you know this of your own knowledge?

17 A. ~~Spate~~ the reason why they are bitter?

18 Q. You know this to your own knowledge
19 that they were bitter?

20 A. We saw them in Quebec. You weren't
21 there but we saw them in Quebec.

22 Q. And the only way they could release
23 this bitterness was by opposing the Corporation, right?

24 A. I presume.

25 Q. That is logical, isn't it, don't you
26 think?

27 MR. LALONDE: If we are going to assume what
28 is logical I can give I think about 12 other ways in
29 which they could have shown their spite or whatever my
30 friend wants to call it.



1 ENGLISH

2 THE CHAIRMAN: We will leave it to the
3 Commission to decide on the evidence.

4 MR. LALONDE: I think that is fine, my
5 lord.

6 MR. MAHONEY: Q. You will agree with me,
7 I think, Captain Rousseau, that they were bitter and that
8 they didn't sign the membership forms for the Corporation?

9 A. Not at the time that we had the
10 meetings studying the by-laws, they weren't bitter.

11 Q. And they didn't sign them afterwards?

12 A. They didn't sign afterwards. There
13 are six that haven't sign it, but as I mentioned we think
14 the reasons for not signing are the ones I mentioned
15 previously and not on account of the new Corporation.

16 Q. Did you know at the time of these
17 meetings that these six pilots would be opposed?

18 A. Of course not. Of course not. They
19 were there and as I said previously two of them wanted
20 to sign at the very first meeting.

21 Q. Two of those six?

22 A. Yes, sir.

23 Q. When did the question of the abolition
24 of the special pilots come up?

25 A. It came on a ~~while~~ after that, in the
26 spring.

27 Q. If these two were so keen to sign at
28 the preliminary meeting why don't you think they signed
29 on March 29th?

30 A. Because on March 29th the system of



1 ENGLISH

2 special pilots was still in force.

3 Q. Yes, go on.

4 A. I repeat what I said before, when the
5 system was abolished they refused to sign. They didn't
6 refuse to sign -- no one asked them.

7 Q. The system was still in force on March
8 29th and two of them had been very keen to sign, so keen
9 they wanted to sign at the preliminary meeting. What
10 happened to their keenness between the preliminary meeting
11 and the General Meeting?

12 A. I don't know, sir. You are asking
13 me to answer for them. I was right there -- I don't
14 really know if they were at the second meeting.

15 Q. You say these people then at that
16 stage wouldn't have been opposed even though they didn't
17 sign the form, they wouldn't have been opposed to it?

18 A. Opposed to the incorporation ?

19 Q. Yes.

20 A. They weren't.

21 MR. LALONDE: What stage is my friend referring
22 to, he said at that stage?

23 MR. MAHONEY: March 29th, the meeting.

24 A. No, no. I am talking about the first
25 meeting the 22nd and 23rd of March.

26 Q. From that stage until the March 29th
27 meeting have you any reason to believe that they were
28 opposed at that time?

29 A. I don't know. I never saw them.

30 Q. You don't know why they didn't sign?



1 ENGLISH

2 A. They weren't asked to sign until the
3 29th.

4 Q. That is what I am talking about.

5 A. I was -- I remember seeing these men
6 at the first meeting because the bunch was small. I
7 can remember -- I could point out where we sat.

8 Q. You say at that time they were eager
9 to sign?

10 A. I wouldn't say eager. They didn't try
11 to grab ahold of the pen. They were in accord with us
12 and felt it a good idea.

13 Q. Who were the two you say were willing,
14 even eager to sign?

15 A. You want me to mention them by name?

16 Q. Yes.

17 A. Mr. Barras -- I asked him to sit close
18 to me because he was Ex-President. He was the one asked
19 -- that started the project and he was the one, every
20 time we came to an article I asked him what do you think,
21 and I presumed that he, -- by giving his help that he
22 was willing.

23 Q. Did he say that he was willing to sign?

24 A. Oh well, you were presuming a while
25 back and I said what I said that I presume.

26 Q. I am sorry to contradict you Mr.
27 Rousseau.

28 A. Let's forget about it.

29 Q. You told me that two of these people
30 were so eager to sign they came up and asked you to let



1 ENGLISH

2 them sign. Was Mr. Barras one of them?

3 A. I didn't say that Mr. Barras, I said
4 some pilots -- I didn't say Mr. Barras or the other fellow.

5 Q. These six who never signed, did any
6 of those come to you at the first meeting and say they
7 wanted to sign?

8 A. Well, perhaps not directly as you say
9 but I know that two that wanted to. I know the other
10 fellow that wanted to sign also.

11 Q. How do you know?

12 A. Because he sat with me after the
13 meeting at the Chateau Frontenac, I sat with Mr. Paul
14 Gerin Lajoie and this man and he wanted to sign right
15 there. He said how good it was, how nice it was. He
16 paid for the drinks.

17 Q. When was this?

18 A. Right after the first meeting, 22nd
19 or 23rd of March.

20 Q. Who was that?

21 A. Mr. Bedard.

22 MR. JACQUES: First name?

23 THE WITNESS: Lucien.

24 MR. MAHONEY: Q. Is he one of the six who
25 didn't sign?

26 A. He is one of the six.

27 Q. You have no knowledge why he didn't
28 sign?

29 A. Sure I have knowledge.

30 Q. Why?



1 ENGLISH

2 A. Because he lost his privilege as a
3 special pilot. That is what I presume.

4 Q. When did he lose that privilege?

5 A. When the special pilots were abolished.

6 Q. When?

7 A. In the spring of 1960.

8 Q. What was the date?

9 A. I don't know.

10 Q. It was after the meeting of March 29th?

11 A. I would have to check.

12 Q. I read to you from the brief of the
13 Federation which is Exhibit 659 on page 16 where the
14 Federation says: "The Pilotage Authority with the full
15 agreement of the Board of Directors of the Association
16 of Licenced Pilots of the Harbour of Quebec & Below decided
17 by the end of March of this year to eliminate the so-
18 called special pilots."

19 MR. LALONDE: It may help things in Exhibit
20 688 there is a telegram in English from Mr. Alan Cumyn
21 to Captain Gaston Rousseau which says: Please be advised
22 Pilotage Authority has decided to abolish this special
23 pilot practice and establish immediately a system of grade
24 pilots under a new system of ships over ten thousand tons
25 etcetera, etcetera -- so the telegram is on March 30th.
26 It could be worthwhile to ask if before March 30th it was
27 known that this telegram was coming amongst the pilots?

28 MR. MAHONEY: Q. I was going to ask a question
29 along those lines, but not in those exact terms. I was
30 going to ask you, Captain Rousseau, if you received such



1 ENGLISH

2 a telegram on March 30th, the day after the meeting,
3 the telegram from Mr. Cumyn agreeing to something which
4 had been put to him by the Association so surely it must
5 have been well known in the Association that the Associa-
6 tion was asking for the abolition of special pilots?

7 A. The Association -- oh yes, yes, but
8 the special pilots for the whole time thought this would
9 never happen. As a matter of fact at the beginning of
10 the navigation season some of them were already at
11 Father Point waiting for their ships at that time.

12 Q. At least on the 30th when the telegram
13 was received from Mr. Cumyn they knew, did they not the
14 telegram was there?

15 A. They did know what?

16 Q. They knew that the special pilot
17 system was going to be abolished?

18 A. I just said that ~~they happened~~ it would
19 keep on -- they still hope, as a matter of fact, that it
20 will come back.

21 Q. Well, Captain Rousseau, I read from
22 the same brief of the Federation of Pilots a letter from
23 the Deputy Minister of Transport to you dated March 25th
24 in which Mr. Baldwin says on page 3 -- page 36 of the
25 brief -- "We have also considered the matter of special
26 pilotage and we agree with the views of the pilots that
27 it would be desirable to proceed with the abolition of
28 the present arrangements in this regard from the Quebec
29 District". This was written by the Deputy Minister on
30 March 25th. Presumably therefore if the Deputy Minister



1 ENGLISH

2 were to write such a letter he must have been advised by
3 the Quebec Pilots some time before that that they desired
4 to abolish the special pilotage system; that is correct
5 isn't it?

6 A. Of course.

7 Q. You received this letter March 25th.

8 I suggest to you by the time of the meeting---

9 MR. LALONDE: The letter is dated March 25th,
10 isn't it? My friend said he had received it on March
11 25th.

12 MR. MAHONEY: Q. I apologize. You received
13 this letter around March 25th. I suggest to you, Captain
14 Rousseau, that at the meeting of March 29th it was well
15 known amongst pilots generally that the special pilotage
16 system would be abolished; isn't that so?

17 A. I recall also, sir, at the meeting of
18 March 29th a couple of the pilots of the tour de role
19 pilots came to me and looked at me in a funny way stating
20 that I wasn't doing the proper thing, the special pilots
21 were still in existence and they thought that I was not
22 a square man. This was ~~at the meeting on the 29th of March.~~

23 Q. So you deny that it was generally
24 known?

25 A. I deny nothing.

26 Q. I am sorry, you have misunderstood me.
27 You deny now that it was generally known on March 29th
28 that the special pilotage system would be abolished?

29 A. I don't deny anything. I state that
30 during the winter we had hopes of the abolishment of the



1 ENGLISH

2 special pilotage system. I didn't dream of succeeding so
3 early, but we did.

4 Q. Captain Rousseau, as I said in reading
5 of the letter which the Deputy Minister wrote to you,
6 such a letter could only be written if you, acting for
7 the Quebec Pilots or someone acting on the authority of
8 the Quebec Pilots had written to or told the Deputy
9 Minister that you wanted the special pilotage system
10 abolished?

11 A. They knew that, of course they knew
12 that.

13 Q. This was a very important matter to,
14 I think it was 32 of the pilots of the Quebec District.
15 Weren't there 32 special pilots?

16 A. I don't recall the number at this
17 time.

18 Q. 39?

19 A. 39 -- it is even more.

20 Q. This was a very important matter to
21 them? Are you now telling me that they weren't consulted,
22 that there was no meeting or even no paper passed around
23 for signatures before the pilotage Association got in
24 touch with the Deputy Minister and asked him to abolish
25 the system?

26 A. I testified before that there was a
27 signature of the majority of the pilots towards the
28 abolishment.

29 Q. So the special pilots knew that this
30 had been asked for?



1 ENGLISH

2 A. Yes, they knew. Of course they knew,
3 but they never thought we would succeed.

4 Q. They also knew, Captain Rousseau, that
5 the Department wanted it abolished?

6 A. Certainly, certainly.

7 Q. Captain Rousseau, if the pilots wanted
8 it and the Department wanted it on what grounds would
9 they assume it wouldn't happen?

10 A. You forgot about the Ship Owners, sir.

11 Q. Quite frankly, Captain Rousseau, I
12 can tell you why I had forgot about the ship owners. I
13 will put this in the form of a question asking you whether
14 you agree with me that the Dominion Marine Association
15 has also requested the abolition of the special pilotage
16 system?

17 A. We don't know. We are learning something
18 here today.

19 Q. Well, Captain Rousseau, you deny that
20 the Dominion Marine---

21 MR. LANGLOIS: He didn't know.

22 THE WITNESS: I don't deny. I said we didn't
23 know until today.

24 Q. If I tell you this was so, would you
25 deny it?

26 A. No, I am not in a position to deny it.

27 Q. You were present at a meeting where
28 this was discussed, were you not?

29 A. With Dominion Marine?

30 Q. In 1960, in January or February of 1960,



1 ENGLISH

2 wasn't it discussed at the General Meeting that we held?

3 A. Yes sir, I recall quite well the words
4 of the Director of the Marine Service at the time, Mr.
5 Alan Cumyn.

6 Q. Do you recall me being present at
7 the meeting?

8 A. Recall you?

9 Q. Yes?

10 A. I believe so -- not too, perhaps just
11 to have met you. Yes, of course you were there.

12 Q. You don't recall in spite of the fact
13 that this was an important matter to you, you don't
14 recall my stating on behalf of the Dominion Marine
15 Association that the Association was opposed to special
16 pilots, you don't recall that?

17 A. No, I am sorry, sir.

18 Q. All right. I take it then that the
19 six pilots who didn't sign the membership forms felt or
20 for some reason believed that in spite of the fact -- that
21 to ~~their~~ knowledge the pilots wanted the abolition of
22 special pilotage system and the Department wanted it they
23 still thought this wouldn't happen?

24 A. Of course. As I said some of them
25 were even at that time when it was abolished on the 30th
26 were waiting already at the station down at Father Point
27 to get their ships.

28 Q. Even if they thought it wouldn't happen
29 weren't they annoyed with the rest of the pilots when
30 they asked for the abolition of the special pilots?



1 ENGLISH

2 A. If they were annoyed -- who do you mean
3 by they?

4 MR. LANGLOIS: Again the witness is being asked
5 about the feelings of other people.

6 THE CHAIRMAN: Let us say did they show signs
7 of being annoyed?

8 MR. MAHONEY: Q. Do you have any knowledge
9 of any signs of annoyance which they showed?

10 A. Who do you mean by they -- the special
11 pilots?

12 Q. The pilots who hadn't signed the member-
13 ship form?

14 A. If they were annoyed?

15 Q. Yes?

16 A. As I said before they certainly are
17 annoyed because some of them are very nice fellows and
18 because they lost that -- I guess they will never forgive
19 us.

20 Q. This request for the abolition of
21 special pilots was made prior to the meeting of March
22 29th?

23 A. Oh, it was made early in the winter,
24 early part of the winter.

25 Q. Therefore if they were annoyed, would
26 they not take their annoyance out by refusing to sign
27 this membership form?

28 A. As I said at the first meeting some of
29 the special pilots were still in force on the 22nd, 23rd
30 of March -- the special pilots weren't abolished yet and



1 ENGLISH

2 they came along and studied the by-laws with the rest of
3 the members and they still had hopes of getting their
4 appointment. These special pilots used to get their
5 appointments from the ^{Department} Deputy of Transport every year.
6 It wasn't a long term contract. It was renewed every
7 year and that year I recall quite well that somewhere
8 around the end of March these ships were coming up and
9 Captain Gendron who was District Supervisor at Quebec,
10 he asked Ottawa for the permits to issue permits to these
11 special pilots to carry on for one month. I recall that
12 quite well -- not for the year, but just for the month.
13 This is how I know these fellows, of course, hoped that
14 the system would still be in force.

15 Q. Therefore, you say that the six -- I
16 am sorry I will rephrase this question -- do you know if
17 the six pilots joined in any of the discussions which took
18 place after the 29th March as to whether the membership
19 form should be signed or not?

20 A. Discussions with whom?

21 Q. I think we had agreed earlier that there
22 was only 17 people who had signed on the first day and
23 it took a month before getting the signatures to make up
24 53. There must have been discussion among the pilots
25 in that period?

26 A. No.

27 Q. You don't agree?

28 A. No, no formal discussions.

29 Q. Not a formal discussion.

30



1 ENGLISH

2 A. They went home and then the Secretary
3 received these forms as they came in and advised me.

4 Q. You don't think it is natural for
5 the people to have talked amongst themselves?

6 A. If they had met I certainly, of course
7 -- these six, if they had met, I was not invited.

8 Q. And you do not think it is natural for
9 these six, who were obviously opposed, to talk to the other
10 pilots and try to talk them out of signing?

11 A. Well I don't know what to answer you.

12 Q. And you do not think it is natural
13 for the people who had already signed to approach the
14 ones who had not signed and ask them?

15 A. It might have been done. I testified
16 previously that at every meeting we had I told the
17 Directors it was a free organization, not to put pressure
18 on anyone. To be nice to everyone. Everyone had a right
19 to his own belief and I told the Directors, and testified
20 to that effect and I say it again today, that I have tried
21 to be as square and fair as can be to everyone.

22 MR. LALONDE: My friend is making a big show
23 about the seventeen or sixteen signatures on the 29th of
24 March but once one looks at Exhibit 713 and sees the
25 number of signatures that were on the 30th and 31st of
26 March, one can start wondering whether they did not have
27 the effective two-thirds on the first of April? I see
28 one signature on the 22nd of April, which would be the
29 53rd I presume and the previous signatures seem to go
30 back to -- one on the 25th of April I see here, but then



1 ENGLISH

2 it goes to the 12th of April and 6th and all these are
3 the 29th, 30th and 31st, first of April.

4 Q. Now with respect to this point Captain
5 Rousseau, a number of these membership forms were received
6 the next day, that is March 30th but at the General
7 Meeting on March 29th no vote of the members was taken
8 as to whether they approved or disapproved the setting
9 up of a Corporation which, in effect, would take the place
10 of the Association.

11 A. Didn't have to take a vote. We gave
12 them -- they had on hand this---

13 Q. In effect what you gave them, I think
14 you will agree with me, was the same sort of form that
15 had always been circulated amongst the members of the
16 Association for their signature. Isn't that right?

17 A. Pardon me?

18 Q. In effect what you did was to adopt
19 the same procedure, the sending round of a paper for
20 signature?

21 A. No. Every man had his own form at
22 that time. Previously used to be one form where you
23 had a whole bunch of signatures added to it.

24 Q. In this case then Captain, following
25 that, you did not even have a single paper with a majority
26 of signatures on it?

27 A. Well sir all I will say is that we
28 had with us I think capable legal adviser and we followed
29 his instructions. Maybe if we were wrong -- if we are
30 wrong, then perhaps it is up to whoever it is to correct



1 ENGLISH

2 us.

3 Q. You told me earlier today Captain
4 Rousseau that you felt that the practice of sending around
5 a piece of paper for signature was a very bad practice?

6 A. I did.

7 Q. And yet, in this case, involving a
8 matter of which was of vital concern to the members, you
9 did not even go to that trouble?

10 A. We did not go to the trouble? We gave
11 them one apiece, much better.

12 Q. There was no vote taken was there? No
13 resolution?

14 A. If you look at the way we proceeded,
15 I think it was fair enough to everyone. They had the
16 time. There was no pressure put on them. Everyone had
17 his own form. All they had to do is sign it and get
18 someone to witness the signature. I believe two signatures.
19 Now I don't remember, put a date on it, give it to the
20 -- if he did not feel like signing, like we have today
21 we have six that do not belong, we do not put any pressure
22 on them and I don't think we will. I won't anyways.

23 Q. Even though you may say that no
24 pressure was put on these people during that period of
25 even 24 hours, 24 hours up to almost a month, you say there
26 was no pressure put on them?

27 A. Not a bit.

28 Q. But don't you agree with me there
29 could have been pressure put on them?

30 A. Perhaps in another organization, but



1 ENGLISH

2 not in an organization such as ours.

3 Q. So you say there was no need to
4 protect the rights of these people because, in your
5 organization, people just did not do that sort of thing?

6 A. We did not put any pressure whatsoever.

7 Q. There was no campaigning, no discussion,
8 no attempt to persuade?

9 A. Campaigning? Well if you would call
10 this campaigning, sending bulletins, giving them
11 explanation, having these meetings, giving them all the
12 explanations which they wished, asking them for their
13 ideas, if you call that campaigning, yes, we did campaign.

14 Q. Captain Rousseau I am talking about the
15 period between the time of the meetings and the time when
16 you obtained sufficient signatures to get two-thirds
17 majority under the old system. I am not talking about
18 the early stages?

19 A. You are asking about the 29th of March?

20 Q. I am asking you to agree with me that
21 the opportunity was there, aside from a General Meeting,
22 aside from having a vote in a General Meeting, the
23 opportunity was there from a period of 24 hours to almost
24 a month long to persuade these people to sign a memorandum?
25 I am not asking you whether it was done or not. I am
26 asking you whether the opportunity was there?

27 A. I never did belong to an organization
28 where you might put pressure on people. I don't know
29 the way to proceed. I don't know the procedure. I know
30 that we did not.



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2 MR. LALONDE: My lord, it's like asking me
3 whether I have an opportunity now to shoot my friend.
4 Obviously I have.

5 MR. JACQUES: You may feel like it.

6 MR. LANGLOIS: Speak for yourself.

7 Q. Captain Rousseau I think you said this
8 sort of thing never happened in Pilotage Service. You
9 will agree with me that you were able to list a very
10 large number of people who had discussed the poor adminis-
11 tration of the District and were prepared to throw out
12 the old administration and put in a new slate of officers.
13 You agree with me there had been discussion about that,
14 in a sense, campaign or if you don't want to use that word,
15 but this had happened didn't it?

16 A. Campaign to what effect?

17 Q. Before your election of 1960?

18 A. No, the members were talking more about
19 the abolition of the special pilots and transfer of the
20 station than they were talking about by-laws; much more.

21 Q. Now Captain Rousseau with regard to
22 the Association, the Association had existed for a period
23 of many years hadn't it?

24 A. Just a minute sir.

25 Q. The exact year does not matter.

26 A. I will give you the exact year. Might
27 as well. It was not the Association then. It was called
28 the Union and they changed the name from the Union to the
29 Association on the 24th of April 1936. The Union was
30 formed in 1924 and the name was changed to the Association



1 ENGLISH

2 in 1936.

3 Q. And aside from the fact that several
4 amendments had been made to the by-laws through the years,
5 what was wrong with the Association?

6 A. Well sir---

7 Q. Why did it require change?

8 A. Because, first sir, when we the- the
9 Committee which was formed up found that there was many
10 changes to be brought and after consulting our legal
11 adviser, he advised us after giving us all the advantages,
12 to form a Corporation.

13 Q. Well was one of the reasons for
14 changing, or doing away with the Association, the fact
15 that in the Association the officers had no real powers?

16 A. In the Association?

17 Q. Yes?

18 A. To the contrary. The officers had
19 all the powers in the world over the members.

20 Q. On page 7865 of the transcript, when
21 you were being examined by Mr. Lalonde, you said at line
22 15: "There are no officers powers provided in the
23 Association Act, even the existence of the officers,
24 except in the case of the Secretary -Treasurer mentioned
25 above".

26 A. I beg your pardon sir. If you allow
27 me I will read clause 24 of the old Association Act and
28 you will see that they have lots of powers.

29 Q. Well why did you make this statement
30 then?



1 ENGLISH

2 A. Would you read again that statement?

3 Q. The question put to you by Mr. Lalonde---

4 A. We will hear it in French. In any
5 case, may I read clause 24 of the Association and it can
6 be translated and it will show that they had a lot of
7 powers? Clause, or article 24 states, and I quote:

8
9 FRENCH

10 "For the implementation of the present and for all cases
11 which might be raised and which are not provided for either
12 in the present convention, neither by the by-laws, the
13 Directors will make the decision that they may deem proper
14 and all members of the society commit themselves in
15 advance to approve the decision that is made subject to
16 be ratified by the general assembly."

17
18 ENGLISH

19 Q. Well Captain Rousseau the officers of
20 the Association did have power?

21 MR. LALONDE: My lord, I think the record
22 shows, the witness said the powers, there were no powers
23 of the Association set out actually in the Act, specifically
24 in the Act of Association. I don't think he said that
25 they had no powers. One might draw an exact contrary
26 conclusion, if nothing is definite.

27 MR. MAHONEY: My lord, I cannot put my finger
28 on another place in the transcript. I will attempt to
29 find it my lord later on. It was said distinctly that
30 there were no powers as I recall, I could be wrong, and



1 ENGLISH

2 that is why I attributed it to this statement as well.

3 However, nothing hangs on this point.

4 Q. Now Captain Rousseau you said in
5 your examination earlier that with regard to the pilots
6 who had not signed the membership form for the Corporation
7 that if the Act of Association had been abolished those
8 six would have lost their rights or privileges. On page
9 7889 of the transcript, in discussing this matter with
10 Mr. Lalonde, you replied in answer to his question:
11 "They would have lost the privilege, for example, of
12 receiving assistance in the case of illness or suspension
13 which is provided for in our by-laws and also they would
14 lose the privilege of pooling of earnings and also being
15 members of organizations, such as the Federation of the
16 St. Lawrence pilots and the Dominion Merchants Service
17 Guild and perhaps further reasons I cannot think of at
18 the present time." Now with respect to those privileges,
19 you will agree with me that in the examples which you
20 have cited, it is your personal opinion that these are
21 privileges rather than liabilities. That is correct isn't
22 it? You follow what I mean? If one of these pilots were
23 called as a witness, he might very well say that some of
24 these things, such as being a member of the Federation was
25 not a privilege, as far as he was concerned.

26 A. Perhaps sir. I do not think, in my
27 view, there would be many that would come forward and say
28 that.

29 Q. It is your personal opinion, with
30 perhaps one exception, and that is the privilege of the



1 ENGLISH

2 pooling of earnings and that is something which you
3 regard as very important isn't it?

4 A. Yes sir.

5 Q. My friend draws my attention to the
6 other clauses, assistance in the case of illness or
7 suspension. It is possible that those may not be regarded
8 as benefits by the pilots concerned. It is purely a
9 personal opinion?

10 A. No sir. The benefits for sickness and
11 suspension, I believe all agree are very important.

12 Q. What do they say about the pooling of
13 earnings?

14 A. I think they would say the same thing.

15 Q. You feel that this is a privilege,
16 something which is good for them?

17 A. Of course. It has been good for the
18 pilots for a hundred years.

19 Q. And is also something which is good
20 for the Corporation isn't it?

21 A. For the Corporation?

22 Q. Yes?

23 A. The Corporation is formed for the
24 pilots sir, not for the Corporation. The Corporation is
25 not formed for a Corporation. The Corporation is formed
26 for the benefit of the pilots and the members.

27 Q. I am speaking with reference to these
28 six who are not members of the Corporation, the fact that
29 their earnings are pooled is of benefit to the Corporation
30 is it not?



1 ENGLISH

2 A. How would that be?

3 Q. The Corporation is receiving the money.

4 A. Which we hand back to them.

5 Q. Isn't it possible, with regard to
6 some of the items which are subtracted from the earnings
7 of these six pilots, that if they were not subtracted,
8 they would be in a better position themselves?

9 A. How do you think so?

10 Q. For example, if the ten per cent which
11 is subtracted from their earnings for the pension fund
12 went to them directly, it is possible, isn't it, that they
13 might be able to invest those monies at a better rate of
14 interest than the Corporation invest it?

15 A. The 10% sir it's in the Canada Shipping
16 Act that this amount must go to the pension fund.

17 Q. I know they have to put it in, but if
18 there were no Association---

19 A. Even at that time, even then that amount
20 has got to go into the pension fund.

21 Correct me if I am wrong sir but I
22 believe that is what is right.

23 Q. You may be quite right.

24 MR. LALONDE: He is.

25 Q. As to the pooling of the earnings,
26 isn't it entirely possible that if the earnings were not
27 pooled that the six pilots would receive more income than
28 they do now?

29 A. They might receive a little more, but---

30 Q. And isn't it also, therefore, true that



1 ENGLISH

2 the receiving of that money and the general pooling is
3 of at least as much, or more benefit to the pilots as a
4 whole than it is to the six individual pilots?

5 A. No, not necessarily. The benefit by
6 pooling their money is as much for everybody else.

7 Q. You benefit too don't you?

8 A. We are a group sir.

9 Q. If the Association had been abolished
10 and the pooling arrangement was destroyed, so far as these
11 six pilots were concerned, don't you feel that you would
12 have had or the pilots' Corporation would have had difficult
13 negotiations with the Department of Transport because of
14 this break in tradition?

15 A. At first sir you put your question with
16 a few ifs here and there, and there is no doubt about it.
17 There is no if there. The Association still exists.

18 Q. I know it does exist, but it exists
19 only as long as the Corporation wants it to exist doesn't
20 it?

21 A. It still exists.

22 Q. What I am trying to---

23 MR. LALONDE: Sorry my lord. My friend is
24 misquoting the legal aspect of it. The Association does
25 not exist until the Corporation wants it to exist. It
26 exists as long as the two-thirds majority who have signed
27 the Act of Adhesion of the Corporation are going to agree
28 to keep it in existence.

29 THE CHAIRMAN: That is a question of law,
30 of course.



1 ENGLISH

2 MR. LALONDE: It may be a fine point but it
3 is not the Corporation itself.

4 MR. LANGLOIS: It is a question of law.

5 MR. LALONDE: The Association does exist.

6 Q. This is certainly a question of law.
7 Captain Rousseau since we are involved in the question of
8 law, we will move on to the next point. I am interested,
9 Captain Rousseau, in the signing of the membership
10 agreement or membership form by the pilots just after they
11 had received their licence, or by the apprentice pilots.
12 Now I think you said that as soon as the apprentice pilots
13 received their licence, or as soon as they passed their
14 examinations, that you explained to them about the
15 Corporation and about the Association and they then signed
16 the membership form.

17 A. You forgot one. The Corporation of
18 the pension.

19 Q. The pension Corporation as well, yes.
20 Now I had the impression from reading the transcript of
21 evidence that this is the first discussion which is ever
22 held with the apprentice pilots to tell them about the
23 Corporation and the Association. Is that correct?

24 A. No sir.

25 Q. Are they told about this then beforehand?

26 A. Well in the---

27 MR. LALONDE: We have evidence before this
28 Commission I think by---

29 THE CHAIRMAN: By one pilot, anyway.

30 THE WITNESS: By myself your lordship.



1 ENGLISH

2 MR. LALONDE: The fact they gave lectures in
3 the winter course. I think Mr. Lafleur mentioned that in
4 his evidence. They had a forum, forums on the by-laws of
5 the Corporation in the winter course for apprentices, I
6 think. I may be wrong.

7 THE WITNESS: No, I said that.

8 MR. LALONDE: The witness said that.

9 Q. They are informed of all these things
10 while they are still apprentices, before they become
11 pilots is that right?

12 A. Yes.

13 THE CHAIRMAN: I think Mr. Lafleur has said
14 there was no question of that. There was no question of
15 the Association and the Corporation during those winter
16 sessions for the apprentices.

17 MR. LALONDE: Well I will check the record my
18 lord.

19 THE CHAIRMAN: That is the impression I had.
20 There was no question of that at all.

21 MR. JACQUES: Anyway my lord, the apprentice
22 which appeared before the Commission stated that he had
23 never received any formal instructions on the Corporation
24 or the Association. It was mentioned, apparently, by
25 the way.

26 THE CHAIRMAN: That is what I gathered.

27 Q. Precisely my lord. That is why I am
28 raising the question. On page 8028 of the transcript,
29 Captain Rousseau, you were telling Mr. Lalonde about the
30 procedure which is used when the successful candidate is



1 English

2 told about his success and you said, beginning at line
3 8:

4 "Later on, or subsequently we invite
5 "the successful candidate to come to the office
6 "of our Association and Corporation and there
7 "in the presence of the Secretary of our
8 "organization, as well as one member of the
9 "Committee of Promotion and Admission, we
10 "naturally congratulate the successful candid-
11 "ate and then I personally explain to him the
12 "office where he is at the present time will
13 "belong to him shortly, in part that the
14 "Secretary will become his employee, and then
15 "that we explain to him that the Corporation
16 "of the Pension Fund, that it is not necessary
17 "for him to sign with that Corporation
18 "because automatically as soon as he receives
19 "his licence he will become a member.
20 "Afterwards we explain to him what is the
21 "Association of the Licensed Pilots for the
22 "Quebec Harbour and Below and then we
23 "also explain to him what has been done
24 "in 1960. Also we explain to him how the
25 "Corporation works and, in the first place,
26 "we ask him if he wants to sign the Act
27 "of Association and then we make him read the
28 "two forms".

29 Is this actually done?

30 A. Of course.



English

Q. Why is it necessary if the apprentice has been through the course showing all of these things?

A. Because the apprentice -- when they are apprentices they are not pilots. They are not members of the group. I thought it is necessary and I emphasize especially the aims of the Corporation and I read them most of it.

Q. Aside from this discussion which takes place after they are pilots and aside from the courses which you say are given them -- have you personally ever talked to an apprentice when he has been on board ships with you about apprenticeship -- about the Corporation and the Association and the whole setup?

A. I might have.

Q. Isn't it natural?

A. Well, now, you are talking if I did say -- I might have.

Q. When you are with an apprentice pilot on board a ship you are not talking about pilotage all the time, are you?

A. Most of the time.

Q. Don't you talk to these people to try and determine somehow whether they are of good character and people who should be, you want to have as members of your Corporation?

A. We ask them quite a few questions.

Q. At that time don't you talk to them about the whole setup of the Association and the Corporation?

A. As I say we might have, but going on the



1 English

2 point of explaining to the apprentices when they are
3 aboard about this -- when you are with an apprentice on
4 board a ship we show them markers but we don't try to
5 get into long conversations because the officer is there
6 and talking between us in French wouldn't be nice to the
7 officer or the master of the ship so we refrain from
8 getting into long conversations most of the time.

9 Q. It is very much in your interest, is it
10 not to know these apprentices better before they become
11 pilots?

12 A. I know them.

13 Q. Do you know they are of good character
14 and they understand their position?

15 A. We have now sir, a Committee which is
16 formed to study this thoroughly.

17 Q. At the end of their three years
18 minimum of apprenticeship you must know these people
19 quite well?

20 A. If I know them -- of course I know them.

21 Q. At that time having discussed the
22 matters with them and knowing them quite well they must
23 be familiar with the Corporation, with the idea of the
24 Corporation?

25 A. Not to any large extent, I don't think.

26 Q. This is a subject which you avoid in
27 conversation?

28 A. No, we don't avoid anything, sir
29 because we are not afraid of what we have done and neither
30 are we ashamed.



1 English

2 you
Q. Well, /say on the day that the apprentice
3 pilot becomes a pilot that you explain this whole system
4 fully?

5 A. I don't have to. It took it upon myself
6 to do it.

Q. When we had an apprentice pilot as
a witness the other day, last week he was most reluctant
to say that he had any conversations with the pilots
at all on board the ships about such things as the
Corporation. Why would he be reluctant to say. There is
nothing wrong with it?

MR. LANGLOIS: My learned friend is asking
the witness to voice an opinion on feelings, reasons for
another person to act one way or another. If it is true
that this witness was reluctant he should have asked
him at the time and not ask this witness why he was
reluctant.

19 MR. MAHONEY: I will rephrase my question:
20 Captain Rousseau, do you know of any reason why any
21 apprentice should be reluctant to talk about these things?

22 A. I don't know of any apprentice being
23 reluctant to talk about these things.

24 Q. How many apprentices, Captain Dussault . .

25 A. Rousseau, sir, excuse me.

26 Q. I am sorry. Captain Rousseau how many
27 apprentices have become pilots since the formation of
28 the Corporation, just roughly?

29 A. Quite a few -- new pilots since 1960?

Q. Yes?



1 English

2 A. Oh, about four, three to four.

3 We have a list.

4 MR. BRISSET: 13.

5 THE WITNESS: I will agree.

6 MR. MAHONEY: Q. All of these pilots have
7 become members of the Corporation?

8 A. Yes.

9 Q. None of them have refused to sign the
10 membership form?

11 A. None. Mr. Brisset asked me that question.

12 Q. Yes, I know. It is a good average,
13 one hundred per cent.

14 A. Very good average.

15 THE CHAIRMAN: We have the same average for
16 the Association.

17 MR. JACQUES: And the Federation and the
18 Guild.

19 THE CHAIRMAN: The Guild is something else.
20 I don't think it is necessary to practice pilotage, the
21 profession of pilots in the Quebec area to be a member
22 of the Association. Once they have their licence--there
23 is nothing in the licence issued by the Department as
24 far as I know saying they have to join the Association.

25 MR. JACQUES: That is quite true, my lord.

26 MR. MAHONEY: I was just going on to another
27 topic. It may be a fairly lengthy one.

28 THE CHAIRMAN: If you have anything lengthy we
29 are going to adjourn.
30



1 English

2 We will adjourn until November 18th here in
3 Montreal at the same place, and as you know starting
4 on October 21st we are going to be away for two weeks
5 on the Seaway and the Great Lakes making visits that we
6 later on would not be able to do, so we want to see these
7 places while the navigation is still open and there is
8 no use of seeing them when there is ice. Therefore that
9 is why we are changing our routine as generally we do
10 that on the occasion of the hearing, but this time on
11 account of the freeze-up we are going to do that trip
12 immediately.

13 The schedule has been prepared and those
14 who want to know exactly where we are going to be at
15 a given time may consult the Secretary. Now we will
16 adjourn until November 18th.

17 MR. LALONDE: My lord may I, and I am sure
18 on behalf of all my colleagues also, wish the Commission
19 a successful and pleasant trip.

20 THE CHAIRMAN: I think also we are going to
21 meet informally all the groups there and it is going to
22 help us a lot in mapping our winter hearings out, where
23 we are going to be and what time.

24 MR. LALONDE: I hope the Commission will not
25 be strike-bound.

26 MR. LANGLOIS: When resuming on November 18th
27 I understand that we are resuming for two weeks and
28 then adjourning for one week?

29 THE CHAIRMAN: We are going to be here two
30 weeks and then we will adjourn for one week and then we



1 English

2 will finish Montreal.

3
4 ---WHEREUPON THE HEARING ADJOURNED UNTIL MONDAY, THE
5 18TH DAY OF NOVEMBER, 1963,
6 AT 10:00 A.M.

7
8
9 * * * * *

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P. Q.

VOLUME No.:

79A

DATE:

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THE ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal, Quebec,
on Monday, the 18th day of
November, 1963.

COMMISSION :

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Richards	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Feder- ation of Canada
Mr. C. Mason	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid- St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corp- oration of the Upper St. Lawrence Pilots



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* * * * *



1 ENGLISH

2 JACQUES GENDRON, sworn

3 ---UPON COMMENCING AT 10:00 AM.

4 THE SECRETARY: Would you give your full
5 name, age and occupation?

6 THE WITNESS: Jacques Jean Gendron,
7 age 44, McAllister Towing Company Limited.

8 DIRECT EXAMINATION BY MR. JACQUES:

9 Q. Mr. Gendron, I believe that you hold
10 a certificate as Master don't you?

11 A. Yes, I do.

12 Q. What class?

13 A. Master foreign-going sir.

14 Q. And when did you obtain your certificate?

15 A. 1947 in Montreal.

16 Q. And I also believe that you were in
17 the employ of the Department of Transport for some
18 years?

19 A. Yes sir, I was.

20 Q. In Montreal?

21 A. Yes sir I was.

22 Q. And what was the nature of your duties
23 with the D.O.T., Montreal?

24 A. I was Regional Superintendent of
25 Pilots for the St. Lawrence River.

26 Q. Between what years?

27 A. From September 1959 to December 1961.

28 Q. Would you describe more fully those
29 duties as Regional Superintendent?

30 A. I understood them to be the smooth,



1 ENGLISH

2 efficient, economical operation of pilotage on the St.
3 Lawrence River; to see that the Laws of the Canada
4 Shipping Act were fully followed and to see if I could
5 not arrange so that the rules and regulations would be
6 followed as well as we could.

7 Q. And what region did you cover?

8 A. My duties covered the St. Lawrence
9 River from Les Escoumains to Kingston sir.

10 Q. And what authority, if any, did you
11 have over the local supervisor?

12 A. I had authority over the local super-
13 visors. I met them often and had on many occasions dis-
14 cussed problems with them and decided things which
15 could be decided in the field, or helped them to decide
16 them.

17 Q. Did you have authority to review their
18 decisions?

19 A. In minor ways, yes.

20 Q. Did you have authority to reverse
21 their decisions?

22 A. In minor matters, yes.

23 Q. What do you call "minor matters"?
24 Would you give us some examples?

25 A. In the way of changing pilots' names
26 on the lists, for instance. Allowing time off to pilots
27 also. Deciding on small sanctions applied to pilots
28 in view of the tour-de-role. These are what I would
29 call minor matters.

30 Q. Did they have to consult you before



1 ENGLISH

2 making any decisions?

3 A. I wouldn't say that they had to, but
4 on very many occasions they did. On most occasions I
5 would say they did. You are thinking of the supervisors?

6 Q. Yes. Always of the local supervisors.

7 A. Yes.

8 Q. Would your own decisions be subject
9 to revision or reversal by the Authority in Ottawa?

10 A. Yes.

11 Q. They were?'

12 A. Yes. I mean, when you say subject,
13 I don't mean every one was reversed, but I mean that
14 on the decisions I made I had to keep in mind the fact
15 that they were subject to revision by my superiors in
16 Ottawa, yes.

17 Q. Did you have to consult your super-
18 iors in Ottawa before making any decision?

19 A. I did on major, what I considered to
20 be major matters, then I did. On what I considered to
21 be minor matters then I did not.

22 Q. Would you give us an example of a
23 case where you had to consult your superiors in Ottawa
24 before making any decision?

25 A. Yes, I would. On cases where pilots
26 would have to be replaced. On cases where a fine would
27 have to be applied. On cases where serious invest-
28 igation may have to be made.

29 Q. Before making any decision or whilst
30 reviewing the decision of a local supervisor, did you



1 consult with the Pilot Committee?

2 A. On many occasions, yes. On some others,
3 no.

4 Q. Why not in those cases?

5 A. Because I felt then that this was
6 purely a matter to be decided upon as per the rules and
7 regulations established and on occasions I did not.

8 Q. Did you consult with the shipowners
9 representatives?

10 A. I could not remember one occasion when
11 I consulted with the Shipping Federation or the Shipowners
12 in regards to decisions which I had to take in pilotage
13 whilst I was in Montreal.

14 Q. You did not consult them. Is it because
15 you felt that it was not necessary to consult them?

16 A. No, because on matters of importance--
17 on matters which were of importance, the consultation was
18 made -- on matters which were of importance, I consulted
19 Ottawa and on most occasions Ottawa consulted with the
20 Shipping Federation through a meeting following where
21 I attended but I never consulted them directly.

22 Q. Now as Regional Supervisor were you
23 called upon to investigate shipping casualties?

24 A. Yes, very often.

25 Q. Would you outline the procedure which
26 you followed in those investigations?

27 A. Upon reception of the information, I
28 would try to board the ship as early as I could; meet
29 the captain, request his permission to investigate and
30 if he allowed me, I would ask -- call for his officers,



1 or the witnesses and question them verbally.

2 Q. Has it happened that a Captain refused?

3 A. It has happened once, yes.

4 Q. What was the nationality of the ship?

5 A. It was a Danish vessel and I think it
6 was the Ragnaborg. My memory tells me it is the
7 Ragnaborg.

8 Q. Did the Captain tell you why he re-
9 fused to let you investigate his crew?

10 A. No. He just told us that he refused
11 entirely and did not want to have anything to do with
12 us. I was accompanied then by Captain Leslie, the
13 Shipping Master of Montreal. It was in the first year
14 I think, or one of the first occasions when I had to
15 board ships for investigating and Captain Leslie was
16 accompanying me in order to break me in to the duties
17 of it, and to the practice of it. The Captain asked
18 us to leave his ship. We did.

19 Q. Do you know what happened subsequently?

20 A. Pardon?

21 Q. Do you know what happened subsequently?

22 Was an investigation carried out with the pilots?

23 A. No further investigation was carried
24 out after that.

25 Q. What was the nature of the casualty?

26 A. I am afraid I couldn't remember sir.

27 Q. Now would you proceed? You are on
28 board a ship. You have permission to investigate.
29 What do you do then?

30 A. Well I would call the witness, the



1 people who were on watch, the seamen and the officers
2 and question them on their experience, first their qual-
3 ifications and the details of whatever happened in relation
4 to the accident.

5 Q. Do you place them under oath?

6 A. I on many occasions did.

7 Q. I take it then it was not a general
8 practice to place them under oath?

9 A. Not all the time.

10 Q. Was it left entirely to your discretion
11 to place them under oath or not?

12 A. I understood that it was, except the
13 problem was not -- the problem was not the fact that
14 they may tell lies. But the problem was more a language
15 problem. When I was questioning a Greek person or
16 perhaps an Italian person, I was afraid that we would
17 not understand each other and that even under oath, I
18 may place him in a bad situation so when there were
19 language difficulties, I did not go into oath at all,
20 because I felt that I should not.

21 Q. Now were you given any directives by
22 Ottawa in that respect?

23 A. No sir.

24 Q. None at all?

25 A. I was given general directives as
26 to investigations. These came down in 1952, if I rem-
27 ember right in four pages of something which Mr. McGill-
28 vary had prepared. They had not been accepted by the
29 Department. It was a proposed directive to be made,
30 to be laid out. I don't think they had been accepted.



1 ENGLISH

2 This was work that Mr. McGillivray had done in view of
3 giving the directives and he had sent it to me for
4 general purposes, and I don't think it was ever accepted
5 before I left Ottawa.

6 Q. Did you, as a matter of fact, follow
7 these directives?

8 A. I did generally, yes. Not in detail
9 because there were a great part of these which were
10 cancelled a month later or so.

11 Q. Did you take the statements in
12 writing?

13 A. I did take statements in writing at
14 first, and following that I asked the Government to pur-
15 chase a dictating machine, which I used on many occasions
16 following that. In the last year and a half I think I
17 used purely the dictating machine.

18 Q. And were your reports, or were those
19 statements, I should say, verbatim reports of what the
20 witnesses had said or a summary of what the witnesses
21 had said?

22 A. 90 -- most of the time the questions
23 and answers were written out. Copies were made and my
24 report made following the answers and questions which
25 I had given them.

26 Q. But the statements given by the
27 witness contained the questions put to the witness, is
28 that correct?

29 A. Yes.

30 Q. Together with his answer?



1 ENGLISH

2 A. That is right.

3 Q. As he said it word for word?

4 A. Yes. As much as possible word for word.

5 On a dictating machine, and with the secretaries that
6 we had, we couldn't always -- I couldn't say word for
7 word but as close as possible word for word.

8 Q. Were you ever accompanied by a stenog-
9 rapher in those inquiries?

10 A. I was on six or seven occasions.

11 Q. What did she do? Did she take down
12 these statements word for word?

13 A. While I was in Montreal, the secretary
14 there accompanied me on two occasions on ships and whilst
15 I was in Ottawa on five or six occasions I had a sten-
16 ographer with me on these, and they took the depositions
17 word for word, as far as I know.

18 Q. Prior to starting your investigation,
19 did you notify anyone that you were going to board a
20 ship and investigate the accident with the crew members?

21 A. If the ship was underway, I would
22 try and find out the whereabouts of the ship or intended
23 movement through the agents but if the ship was tied
24 up in port, I would go directly to the ship and my
25 first communications were most of the time directly with
26 the Captain.

2 27 Q. Do you notify the pilot of your intend-
28 ed investigation?

29 A. Not as such. He was not notified
30 of an intended investigation but on most occasions the



1 ENGLISH

2 pilot was the first one that I questioned, depending on
3 where the ship was and where the pilot was.

4 Q. But do you tell the pilot this: look
5 pilot, I am investigating the grounding of your ship and
6 I will be on board tomorrow morning at ten o'clock to
7 interview the crew. Feel free to come if you wish?

8 A. No sir.

9 THE CHAIRMAN: In other words, he was
10 not invited to follow the inquiry?

11 THE WITNESS: The pilot was not in-
12 vited to follow the inquiry at that stage sir, no.

13 Q. Were you given any instructions in
14 that respect by your superiors in Ottawa?

15 A. No sir.

16 Q. Can you tell me then how this practice
17 evolved that the pilot need not be called upon to attend
18 when you make an inquiry?

19 A. If it evolved in any way, it must have
20 evolved through me, I think, because it is only after
21 I got to Montreal these investigations were made in
22 numerous quantities, or very often. You have got to
23 realize that most of the time on the accidents which
24 I enquired the pilot was already off the ships. He was
25 not on the ship anymore and it was a case of either going
26 to the ship or going to see the pilot first, whichever
27 was the handiest. On many occasions the pilot was
28 first. On other occasions the ship was first but I
29 never notified the pilot that the next day, or the day --
30 I may have unofficially, but officially I never did.



1 ENGLISH

2 that the next day or day after I would start an invest-
3 igation.

4 Q. Were any representations made to you
5 in that respect either by the pilot, by their local
6 advisors or by the shipowners?

7 A. Yes. Through their counsel on
8 occasions. The counsel would ask that the pilot be
9 invited at this preliminary stage, and they were then.

10 Q. They were then?

11 A. Oh yes. I remember, I am sure that
12 on two occasions the pilots were invited at this stage.

13 Q. Do I understand rightly when I say
14 this: you never invited the pilots to attend but, on
15 the other hand, you never prevented them from attending
16 if they wished?

17 A. Oh no. They would have been most welcome.
18 On the serious accidents usually what happened is this:
19 That the pilot would immediately, after informing the
20 local supervisor, inform his counsel which in 95 per
21 cent of the cases was Mr. Langlois. Mr. Langlois would
22 then inform us by letter that he had this case under
23 consideration, as this pilot had seen him and would we
24 please inform him of any investigation which we were
25 going to make.

26 We would then inform Mr. Langlois of the
27 dates and times and Mr. Langlois was invited to come
28 with the pilot.

29 Q. And when people were invited to attend,
30 did you allow them to put questions to the witness?



1 ENGLISH

2 A. No.

3 Q. Why not?

4 A. Because the questions that were allowed
5 to be put to the witness were -- yes, I did, pardon me.
6 I thought that you meant by the pilot, but the counsel,
7 the pilot's counsel had all the rights and he did on
8 very many occasions ask the witnesses, or the witnesses
9 from the ship all the questions he wanted.

10 Q. Were you ever approached by the Ship-
11 owners for representation on these inquiries?

12 A. I don't think so sir, no.

13 Q. Now after collecting --

14 A. By the Shipowners? Yes, by the owners
15 of the vessels themselves.

16 Q. Yes?

17 A. Yes, we were definitely. Yes.

18 Q. Would you allow them to be represented
19 by counsel?

20 A. Certainly. They were represented
21 by their counsel and on some occasions by the Consulate.

22 Q. Did you allow these gentlemen to
23 ask questions of witnesses?

24 A. Yes. They were allowed to ask questions
25 of the witnesses the same as the pilot's counsel.

26 Q. After collecting all this evidence
27 what did you do with it?

28 A. After collecting all the evidence,
29 the report was brought back to the office and I studied
30 it and reported myself to the Superintendent of Pilots,



1 ENGLISH

2 Captain Jones.

3 Q. In that report which you have forwarded
4 to Ottawa, did you express an opinion on the casualty
5 under investigation?

6 A. Yes, I did.

7 Q. Did you express an opinion on the fault
8 of the pilot or the fault of the master?

9 A. Yes, I did. I gave opinions, consider-
10 ations and recommendations.

11 Q. Now sir, I believe that apart from
12 being a Regional Supervisor you also filled some function
13 in Ottawa didn't you?

14 A. Yes. In December 1961 I was promoted
15 to Ottawa as Investigating Officer.

16 Q. And would you describe the duties of
17 the Investigating Officer?

18 A. The duties were to investigate the
19 accidents which we had mentioned before. I was doing
20 most of this work when I was Regional Superintendent
21 in Montreal for the St. Lawrence River but in Ottawa
22 I was doing exactly the same duties for the whole of
23 Canada and these consisted of boarding vessels, doing
24 the fact-finding operation, making up reports, arranging
25 for the various documents necessary if a person was
26 named by the Minister to hold formal investigation,
27 paying -- making up expense accounts of witnesses, and
28 everything tied in to the ordinary investigating.

29 Q. So you did the same work but on a
30 higher level across Canada?



1 A I did the same work. I would not say
2 on a higher level. I would say across Canada.

3 Q. Did you have occasion to review reports
4 prepared by the Regional Supervisor who replaced you here
5 in Montreal?

6 A. Yes, on many occasions.

7 Q. So you, as it were, were investigating
8 cases in first instance?

9 A. That is right.

10 Q. And then you also sat as a reviewing
11 officer in other cases?

12 A. All the casualty reports throughout
13 Canada used to reach me. I would study them at first in
14 order to either file them or either put them up for
15 further study by the pilotage people.

16 Q. Now when you were sitting in Ottawa,
17 did you also make recommendations in casualty cases?

18 A. I did exactly the same. I made opinions,
19 recommendations, considerations, up until May 1963 when
20 I was asked not to do it any more.

21 Q. You were asked not to do what any
22 more?

23 A. I was told not to put in considerations,
24 recommendations or opinions any more.

25 Q. Do you know why?

26 A. The why of it I don't know. I just
27 received this as an order. I don't know why. I didn't
28 ask why either.

29 Q. You did not ask why?

30 A. No.



1 ENGLISH

2 Q. Would you suspect that this action
3 would come as a result of your work?

4 A. It is difficult to say. If I did
5 give you an opinion, it would purely be hearsay and I
6 would rather not give any. I was ordered not to put
7 any recommendations, opinions or considerations in any
8 more.

9 Q. Would you say that this is after
10 pressure had been brought on the Department by lawyers
11 appearing for various parties?

12 A. I would not say that it followed
13 immediately pressure that had been put on by counsel.
14 Counsel had been putting on pressure all the time I
15 was even in Montreal.

16 THE CHAIRMAN: Pressure, what for?
17 What kind of pressure?

18 THE WITNESS: I don't mean pressure
19 in that way, sir. I mean the lawyers, the counsel were
20 doing everything they could to protect their pilots.
21 I did not mean pressure in the bad sense of it.

22 Q. Not in the bad sense?

23 A. I don't think you meant it either.
24 I don't think it came about through -- it may have come
25 about through a number of years of that, but the counsel
26 had been doing their best to defend their pilots ever
27 since I had been in Montreal. No, I don't think I could
28 say anything unless I say it from hearsay which may not
29 be right.

30 THE CHAIRMAN: Was that one of the



1 ENGLISH

2 reasons why you were asked not to make any further re-
3 commendations or opinions?

4 THE WITNESS: You mean one of the
5 reasons sir --?

6 THE CHAIRMAN: Because one day you were
7 asked to stop, or refrain from making any recommendations
8 or giving an opinion, was that because the lawyers ob-
9 jected to you passing judgment on their clients?

10 THE WITNESS: I wasn't told that sir.
11 I wasn't told that.

12 Q. Now coming back to these investigations,
13 in a case of the collision there are two pilots, two
14 ships and two parties before you. When you were invest-
15 igating, let us say, ship A, did you allow counsel for
16 the pilot on ship B to attend your investigation on
17 board ship A?

18 A. I doubt if I ever investigated a case
19 of collisions between two ships. During the time I
20 was in Montreal the only one I can remember is the
21 Calgaria and the Sea Transport and this was investigated
22 by Captain Atkins. I can't remember myself having in-
23 vestigated a collision where two ships were involved.

24 Q. Did you have any instructions in that
25 respect?

26 A. No sir. I never had any instructions
27 as far as investigating is concerned except with the
28 general rules which Mr. McGilvray was trying to work
29 out one day.

30 Q. Do you know what the practice was



1 in the case of a collision? Do you know if the practice
2 was to allow all parties to attend both investigations?

3 A. I don't know what the practice was.
4 I don't know what Atkins did in that case, no.

5 Q. Did you take part in this Joint Committee
6 set up some years ago including representatives of the
7 Shipowners, the D.O.T. and Pilots?

8 A. Yes sir. On two occasions. I think
9 it was known -- I knew it as the Pilotage Committee. I
10 knew the same Committee as the Pilotage Committee then.

11 Q. And what work did you do on that
12 Committee?

13 A. I was the Chairman and the Committee
14 consisted of representatives of Pilots and the Shipping
15 Federation and on one occasion Dominion Marine.

16 Q. What was the purpose of this Committee
17 as far as you know?

18 A. The purpose of the Committee was to
19 study the casualty and to try to come to a sanction,
20 if possible or to release entirely the pilot from blame.

21 Q. Do you recall if this Committee made
22 any recommendations?

23 A. Certainly I do, and they did.

24 Q. Were these recommendations followed?

25 A. On one occasions. On the first occasion
26 I think it was followed partly and on the second
27 occasion it was disregarded entirely. I think so.

28 Q. Now coming back to these casualties
29 ~~again~~, I think we have left off the most important
30 part. You do your investigating. You make up your mind.



1 ENGLISH

2 You recommend officially to the Minister a course of
3 action, and what happens then? Say you recommend that
4 pilot A be suspended for two weeks?

5 A. My recommendation report and everything
6 used to go to Captain Jones, Superintendent of Pilots
7 in Ottawa. After he had studied it, his recommendation
8 and my report with his thoughts would go to Captain
9 Slocombe, who, after studying it, making recommendations
10 and the rest of the things, would go up to Mr. Cumyn
11 for the same operation. From there to Mr. Booth and
12 on many occasions from there to the Deputy Minister.

13 Q. Would it stop there?

14 A. No. I think I know of a case where
15 it went to the Minister himself.

16 Q. To the Minister himself?

17 A. I think so.

18 Q. When all these people had made up their
19 mind, what happened? Say the last man, the man who
20 has the last word to say decides a suspension for 15
21 days, what happens?

22 A. Well the decision of the Minister or
23 the decision of the Deputy Minister comes back down
24 to the Superintendent of Pilots who then applies the
25 sanction.

26 Q. Is the pilot notified before applying
27 the sanction?

28 A. This depends on whether the full in-
29 vestigation was made in front of the person named by the
30 Minister or not. If, through the procedure, a full



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1 ENGLISH

2 investigation was made, the pilot would be notified.

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/RPS 1 English

2 A. If there ~~was~~ no formal investigation
3 or inquiry as per the Canada Shipping Act I understand
4 every pilot was informed that he was going to be
5 suspended or that he would be sanctioned.

6 Q. He was informed he was suspended?

7 A. A letter would go out usually to the
8 pilot. Excuse me, the recommendation of the Authority
9 would come back down to the Superintendent of Pilots
10 who would send a show cause letter to the pilot
11 informing him that this has happened and that he should
12 show cause why he wouldn't be punished. The Department
13 would sanction him, then the show cause letter was sent.

14 THE CHAIRMAN: This was after the decision
15 was taken?

16 THE WITNESS: After the decision was taken
17 but not on all occasions. There were occasions when
18 he wasn't.

19 MR. JACQUES: Q. When he didn't receive
20 this show cause letter?

21 A. There were occasions where the pilot
22 didn't receive a show cause letter.

23 Q. What happened then?

24 A. All he got was a letter telling him
25 he was suspended.

26 Q. When he got a show cause letter was
27 the full record made available to the pilot?

28 A. Usually in the show cause letter he
29 was asked to defend himself or to present himself in
30 front of the Local Supervisor or in writing to the Authority



1 English

2 giving the causes why he shouldn't be suspended. I
3 don't know of any occasion when the full record was
4 open to the pilot on that case, on a case where a
5 formal investigation or inquiry under 569 wasn't made.

6 Q. I am always having in mind cases
7 where the investigation is made by officers of the
8 Department and not formal inquiry?

9 A. That is right.

10 Q. Do you know why the Department
11 consistently refused that. Have you an explanation
12 to make?

13 A. I wouldn't say the Department
14 consistently refused. I think it was purely something
15 which wasn't done. It wasn't a refusal that came
16 following the request from anybody. It was something
17 that just wasn't done.

18 Q. But the record could be made available
19 if a strong enough demand was made for it?

20 A. I don't know of any refusal that was
21 ever made to a pilot when he requested a full view
22 of the record.

23 MR. JACQUES: Thank you, sir. Your witness.

24
25 CROSS-EXAMINATION BY MR. LALONDE:

26 (THROUGH THE INTERPRETER.)

27 Q. In these inquiries you were holding
28 where you were Regional Inquirer, was it an inquiry
29 dealing with piloting exclusively or was it an inquiry
30 which examined other aspects of the general responsibilities



1 French
2 in the event of accident?

3 A. All the inquiries I made when I
4 was in Montreal concerned solely the responsibilities
5 of the pilots first and foremost, but in my considerations,
6 in my opinion necessarily I had to see the responsibil-
7 ities of other persons or witnesses, persons connected.

8 Q. These considerations which you made
9 concerned the responsibility of other persons such
10 as officers, captains and so on, were they -- you would
11 say it was marginal to your report in the sense your
12 report wasn't the basis for an inquiry or sanction
13 against the officers of ships?

14 A. As far as I know my considerations
15 weren't marginal, wouldn't be marginal if there had been
16 dealings with captains in Canada, captains on the
17 boats -- in the case of the inquiries I held myself,
18 most of the time it was foreigners not coming under
19 my jurisdiction.

20 Q. Now, are you aware of when you made,
21 say, unfavourable considerations regarding the conduct
22 of a certain captain, officers for example . . .

23 A. Unfortunately I don't recall.

24 Q. You don't recall. Do you remember
25 if following upon your reports subsequent inquiries
26 might have been made regarding Canadian officers
27 or captains?

28 A. No, sir, not only I don't remember,
29 I don't even think there were any.

30 Q. To your knowledge there weren't any?



1 French

2 A. No.

3 Q. Did you inquire on board ships except
4 when you were accompanied by Captain Leslie, were
5 you generally alone?

6 A. Most of the time I was alone.

7 Q. These notes you dictated, you say
8 as much as possible verbatim, they were nevertheless
9 made subsequent to your inquiry when you came back?

10 A. Yes.

11 Q. Did you take notes by hand during
12 the inquiry? Was that the way you went about your
13 report?

14 A. First of all I had to write the
15 replies of the witnesses and a part of the questions
16 I put, because I returned to the office and normally
17 I had a series of 150, 200 questions to which I had
18 the more or less complete answers written in hand.
19 Then I had to take them up again because I had to
20 consider the general trend, what I had done. I wrote
21 it myself.

22 Q. Is there any special reason why
23 in all of the cases the witnesses were sworn under
24 oath during your inquiries?

25 A. No, the only reason I think, I
26 recall now, the only reason I can recall was the
27 question of language.

28 Q. Well, excuse me, I don't understand
29 this. Where do you get language difficulties arising
30 where you were obliged to swear these witnesses under



1 French

2 oath?

3 A. Well, I found it rather difficult --
4 it could have been a witness, if when I questioned
5 a witness who was Greek and who doesn't speak more than
6 one or two words in English or French, to have him
7 reply under oath to questions which he probably couldn't
8 have understood and I wouldn't have got the right
9 answer.

10 Q. Did you never think of using the
11 services of an interpreter in such a case?

12 A. We used interpreters. We used
13 interpreters during formal official inquiries. We
14 have asked for interpreters in some cases and it was
15 thought it was too expensive.

16 Q. To whom did you ask for interpreters?

17 A. The Department of External Affairs,
18 Ottawa.

19 Q. And the reply you got from Ottawa
20 was that it was too expensive?

21 A. Too expensive and not easy to find
22 either. We have had some. We got some others later
23 who did it voluntarily without any pay.

24 Q. These voluntary interpreters, where
25 they people from the personnel of the boat, aboard
26 the boat?

27 A. They were people belonging to certain
28 Montreal organizations, the Greek Agency for example,
29 Andros.

30 Q. These interpreters, has it also



1 French

2 happened that they were from the same agency as that
3 of the ship?

4 A. No, it would be that the person
5 doing the interpreting wasn't in any way linked with
6 the vessel.

7 Q. These interpreters, were they sworn
8 under oath?

9 A. Yes, they were sworn under oath
10 before the inquiry as an interpreter.

11 Q. Each time?

12 A. I think each time.

13 Q. Were there cases where the interpreter
14 was under oath and the witness wasn't?

15 A. Would you say that again, please?

16 Q. Were there times when the interpreter
17 was sworn under oath and not the witness?

18 Do you understand my question?

19 A. Well, that is to say, I wouldn't have
20 had -- let us say if people, interpreting of witnesses evid-
21 ently under oath, but where you would have a situation
22 on board a vessel I think there was none that took
23 oath.

24 Q. The use of these interpreters, was
25 it only done towards the end of your work in Montreal?

26 A. No, right at the beginning too.
27 When there were formal inquiries, when there were
28 official inquiries there was no question of the cost
29 of interpreters. During the fact-finding inquiries
30 at the beginning we thought it was unnecessary.



1 French

2 Q. ... Were there many formal inquiries
3 for accidents, was it a basic rule that it was sort
4 of a preliminary inquiry?

5 A. It was sort of a preliminary
6 inquiries. This was the basic rule. The number of
7 cases, four or five formal inquiries, in fact.

8 Q. In all the other cases it was,
9 let us say preliminary inquiries or fact-finding
10 ones, as you say?

11 A. Yes, preliminary inquiries.

12 Q. In the case of the formal inquiries
13 which occurred, who decided there should be a formal
14 inquiry in such and such a case?

15 A. Well, there was a recommendation
16 which went through the various stages, various levels
17 of the Department and you would get an answer.

18 Q. Well now, you would get an answer
19 following what on your part?

20 A. I based myself on the damages
21 in respect to the vessel as well as the degree of
22 responsibility assigned in such and such an accident
23 and subsequently to a certain accident I thought a
24 formal inquiry was necessary and I would recommend
25 it.

26 Q. Could you state to the Commission
27 how you proceeded with a formal inquiry in Montreal
28 as compared to the preliminary inquiry which you
29 just explained? I think all your previous explanations
30 dealt with preliminary inquiries, didn't they?



1 French

2 A. Yes.

3 Q. Well then, could you tell us
4 about your procedure in Montreal for these formal
5 inquiries?

6 A. Well, the Deputy Minister would
7 accept or reject, but when he did accept there should
8 be a formal inquiry he requested an appointment of the
9 Commissioner as he was called, although actually it
10 was somebody under the Canada Shipping Act, and
11 so this person notified the witnesses as well as
12 all concerned of the hearing and the date of the
13 inquiry, the hour, the place where it would be
14 held. Everybody was brought together for this hour.
15 The Commissioner was sometimes assisted by counsel
16 from the Department of Transport, and the pilots
17 were represented by their own legal advisers as well
18 as witnesses who would come in one by one, and when
19 the witnesses were called by the Department of Trans-
20 port under questioning there would be cross-examination,
21 cross-examination in the same way, so they would have
22 an opportunity of finding out what had happened
23 and the Commissioner put questions and if he
24 wasn't satisfied with the questions the lawyer had
25 an opportunity to submit questions.

26 Q. Now, I would like to come back to
27 the preliminary inquiry. In each case where you
28 went aboard a vessel to make an inquiry did you
29 send a telephonic or written notice to the pilot
30 concerned because you had a fact-finding mission?



1 French

2 A. Well, I think it was quite to the
3 contrary. Most times the pilot wasn't informed.
4 I think that some occasions, that he might be at
5 home or in Three Rivers or Montreal, the boat was
6 gone and we would go and see those concerned.

7 Q. These rules regarding the matter
8 which was employed in 1960 and 1962, I think you
9 said, were they the first rules and regulations
10 of procedure proposed by the Department which you
11 have received?

12 A. Well, not the first, but the first
13 general directives which I received.

14 Q. Now, suppose you had a vessel
15 which doesn't use pilot services in the St. Lawrence
16 River, for example, and this vessel goes aground
17 or has an accident which is not connected with another
18 vessel, what happens in such a case?

19 A. Well, the accident is reported to
20 us most of the time through the Local Supervisor.

21 Q. Excuse me, the Local Pilotage
22 Supervisor?

23 A. Yes, in Montreal or elsewhere.

24 Q. Excuse me, even in the case of
25 vessels which have no pilots aboard?

26 A. When it is the St. Lawrence River
27 involved at the time, when you have a pilot on board
28 this wouldn't be. Following upon the accident it was
29 reported to the chief of the nautical service and
30 he decided if there should be an inquiry or not.



1 French

2 Q. This chief of shipping services
3 was in Ottawa?

4 A. Yes, Captain Slocombe.

5 Q. How did the Local Supervisor learn
6 of these accidents?

7 A. Most of the time it was through --
8 how do you call it -- through reports and so on that
9 these vessels had with the canonization of the
10 St. Lawrence. You would have very little time 'til
11 the report of some accident that happened.

12 Q. To your knowledge is there a regular
13 procedure concerning the report of accidents for
14 any vessels even without pilots occurring on the
15 St. Lawrence?

16 A. The regular procedure is when you
17 have a pilot. The pilot must immediately inform so
18 that there may be no trouble in this connection.

19 Q. So there is a rule and regulation
20 in this respect?

21 A. Yes, when a vessel is without a
22 pilot I think it is learned accidentally.

23 Q. To your knowledge isn't there a
24 rule, a formal rule, a compulsory one for vessels
25 having to report these accidents to an official
26 organization?

27 A. Not to my knowledge.

28 Q. Hypothetically one could then imagine
29 a vessel which was going down river going aground
30 five times without a pilot and not reporting to anybody



1 French

2 and would just go on like a phantom ship on its
3 journey?

4 A. This is very hypothetical. There is
5 always a pilot around, stevedores and sonon that are
6 going to get talking about it. Hypothetically it
7 could happen without anybody knowing. It could.

8 Q. Now, these report that you were
9 making to Ottawa after your inquiry, did you receive
10 frequently requests from Ottawa for supplementary,
11 additional information, let us say?

12 A. Not frequently.

13 Q. And the decisions, were they generally
14 quick in these matters?

15 A. Well, I don't quite know what you
16 mean.

17 Q. Well, let us say they decided to
18 suspend a pilot following a report of an accident,
19 in what period of time would this decision generally
20 be taken?

21 A. Between the time . . . (end of
22 interpretation) . . .

23 Q. Let us take rather the time when
24 you make your report, let us say, and the suspension,
25 could it take a few months?

26 A. Well, I would say one month or
27 many months.

28 Q. Wasn't it to your knowledge that the
29 pilots were suspended in this way after several months,
30 up to 12 or 15 months roughly and that the only notice



1 French

2 they had in this connection was through a letter
3 of suspension following your inquiry?

4 A. I think I can recall one.

5 Q. Before making this report to Ottawa
6 on your preliminary inquiry in all the cases were you
7 interviewing the pilot? Did you always interview the
8 pilot concerned?

9 A. Not in all the cases. There were
10 cases where it wasn't done.

11 Q. Was there any special reason why
12 the pilot wouldn't have been notified before you
13 submitted a report?

14 A. Because following the preliminary
15 inquiry I would know that it was the fault of the pilot.
16 The report was sent to Ottawa with recommendations
17 and stated the pilot was at fault.

18 Q. When you were promoted in Ottawa
19 were you promoted for the whole field in your
20 activities, into all accidents requiring inquiries -- these
21 inquiries, they were still limited to the accidents
22 which were connected with piloting operations?

23 A. No.

24 Q. Well, were your powers extended to
25 all Canadian shipping services?

26 A. The inquiries I made when I went
27 to Ottawa concerned all the accidents with pilots,
28 without pilots, and so on.

29 Q. Now, the inquiries which incurred
30 on the St. Lawrence River following your appointment



1 French

2 to Ottawa, were they made always by you or by the
3 Local Superintendent; the Local Superintendent of
4 the St. Lawrence, the preliminary inquiries?

5 A. Following upon the accident the
6 Local Superintendent would make his own inquiry to
7 see if there is any need to go further in inquiries
8 or not. For my part I would hear from the Regional
9 Superintendent whether this was necessary and then,
10 only then would I step into the picture.

11 Q. And the Regional Superintendent,
12 did he himself make the preliminary inquiry similar
13 to the ones you made when you were in Montreal?

14 A. Well, he would go to the vessel.
15 He would recommend if the ship went aground that there
16 should be a longer inquiry.

17 Q. Well now when you were appointed
18 by Ottawa I note that your powers were increased in
19 certain regards. Did you have anything to do further-
20 more with the piloting in other fields of shipping
21 accidents?

22 A. Yes, in the month of December, 1961
23 to May, 1962 -- I arrived then in Ottawa . . .

24 Q. Excuse me, 1962?

25 A. I arrived in December 1961 and I
26 worked first on the St. Lawrence. I had to carry on
27 these inquiries with the Pilotage officers until the middle
28 of May.

29 Q. 1963. When you were asked to go
30 to Ottawa I understand first there was an increase in
the salary offered you, right?



1 French

2 A. Yes.

3 Q. Were you also given to understand that
4 there would be a role to play, a part to play in
5 the administration of pilotage in Ottawa?

6 A. Well, I was asked if this interested
7 me and then I was told, Captain Jones, the Local
8 Superintendent informed me if he had no objection
9 to taking . . .

10 (THE INTERPRETER: The interpreter cannot
11 hear the answer.)

12 Q. So what was the nature of the reply
13 you got at that time?

14 A. (No interpreted answer.)

15 Q. As inquiring officer of the shipping
16 accidents, to whom did you submit reports?

17 A. To the Pilotage Superintendent.

18 Q. The post you held in Ottawa following
19 your appointment, was it held previously by someone
20 else?

21 A. No.

22 Q. It was a new task which had been
23 set up especially?

24 A. Yes.

25 Q. Furthermore as I understand it you
26 were in the position of reporting to Captains Slocombe,
27 Jones and Mr. Cumyn and so on?

28 A. Yes, from the inquiries that were
29 made following accidents directly to Captain Jones
30 where pilots were concerned and Captain Slocombe where



1 French

2 pilots weren't concerned.

3 Q. I see. During the period December
4 1st to May, 1963 -- excuse me, May 1962 -- now it is
5 me -- were you in fact dealing with pilotage in
6 general?

7 A. Well, I think at the time during
8 the winter, December to May, 1962 I was very actively
9 involved in almost all pilotage questions or problems.

10 Q. Without being too modest, Captain
11 Gendron, is it not a fact that at the time you were
12 in Ottawa you were the most experienced person in
13 pilotage at the local or regional level than anyone
14 else in Canada?

15 A. Well, amongst -- well, it is not
16 easy to answer such a question. I think that Captain
17 Jones who was my Superintendent had also quite a lot
18 of experience and a lot of knowledge in the field.

19 Q. But your experience, the kind of
20 local and regional experience -- what had Captain
21 Jones before going to Ottawa?

22 A. Before going to Ottawa he had none.

23 Q. Well, that was my question. So,
24 when you were in Ottawa were you not the person who
25 had the greatest experience concerning local pilotage
26 problems having had a part at the local level?

27 A. I know lots of pilots along the
28 St. Lawrence River and followed many different
29 problems concerned with them.
30



/RPS

1 French

2 Q. Mentioning your superior officers, could
3 you please tell me if there were some who worked as
4 Local or Regional Superintendents before being appointed
5 to Ottawa?

6 A. Perhaps there was just Captain
7 Seeley.

8 Q. Was Captain Seeley one of your
9 superiors?

10 A. Yes, he was one of my superiors
11 because he was Captain Jones' assistant.

12 Q. Could you approximately tell me
13 what was the experience of Captain Seeley? Was he
14 quite experienced at the local level?

15 A. I am sorry. I think that he had
16 been stationed in Halifax for quite a number of
17 years but I don't know exactly.

18 Q. Before becoming the Regional
19 Superintendent of Pilotage in Montreal, were you at
20 the marine school at Rimouski?

21 A. Yes. I was a commanding officer
22 of the marine school at Rimouski for eleven years.

23 Q. Is that a position which is held
24 at the present time by Captain Bris?

25 A. Yes. Because Captain Bris has
26 been appointed director ever since.

27 Q. Was there a director at that time?

28 A. Yes, he was L'Abbé Antoine Gagnon.
29 He was director of the Technical School at Rimouski.

30 Q. Did you have anything to do with



1 French

2 pilotage when you were at the marine school at
3 Rimouski?

4 A. I started to have something to do
5 with pilotage around the year 1953 when I suddenly
6 noticed that the number of Canadian ships were
7 decreasing and that the potential of students coming
8 to the school would be decreasing as well because
9 of the disappearance or the decrease in the number
10 of ships, so I started to have some contacts with the
11 Montreal United Pilots in 1954 in order to offer
12 them our installations or facilities for their
13 pilots, or their future pilots.

14 Q. And did that experience go on
15 during your stay at the marine school in Rimouski?

16 A. Yes. It went on until I left in
17 1959.

18 Q. So if we can express ourselves
19 thus: you had directly or indirectly the opportunity
20 of being interested with pilotage ever since the
21 year 1953 or thereabouts?

22 A. Yes. For quite a long while before
23 that Mr. Lalonde. I went to sea in order to become
24 a pilot. I was an apprentice pilot in Montreal to
25 Quebec between the years 1948 until the middle of
26 1950. I talked to a great number of pilots and I
27 had something to do with them when I was at the
28 marine school in Rimouski.

29 Q. Then can we draw the conclusion
30 that you were actively interested in pilotage and that



1 French

2 you were interested in having a career either in
3 pilotage itself or in the field of administration
4 of pilotage?

5 A. Well pilotage has been interesting
6 me actively for the past 20 or 25 years.

7 Q. And starting in May 1962 what
8 happened in the operation of your service in Ottawa?
9 It seems that there has been a kind of seizure at
10 that time, meaning that you were no longer consulted
11 about pilotage matters. Is that what happened?

12 A. During the winter of 1962 I had
13 -- my duties had been divided at D.O.T. under Captain
14 Jones. They were divided between Captain Seeley,
15 Atkins and Gendron, and during the winter between
16 December and May 1962 I had the responsibility of
17 looking after all matters having to do with the
18 St. Lawrence River. Captain Seeley was concerned
19 with the Great Lakes and our duties were divided as
20 such. I think it was in May or April 1962 when the
21 different functions were divided again, and at that
22 time I was actively concerned with investigations
23 and my second responsibility was to look after pension
24 fund or plan. I was never consulted about pension
25 funds.

26 Q. So starting in May 1962 you had
27 the responsibility of investigation, also the possibility
28 of pension funds and you say that you never had
29 anything to do with pension funds after May 1962?

30 A. No.



1 French

2 Q. Were you specially competent or
3 were you specially attracted by actuarial questions
4 or matters?

5 A. No. I don't think so. I had
6 not been consulted in the first place when I had
7 been given ~~that~~ responsibility and when the responsibil-
8 ities were divided then I did not discuss that
9 with Captain Jones and I had been concerned with
10 this small matter of pension because I think that
11 the Quebec group had asked that their pension plan
12 be withdrawn from the Department, to be given to
13 private companies. This is the only knowledge I
14 have. I did not have any special qualifications in
15 that field.

16 Q. Were you subsequently consulted
17 about other problems which have arisen on the St.
18 Lawrence River?

19 A. Unofficially, yes. On many
20 opportunites at luncheon time that we would talk
21 with Captain Jones and Captain Seeley and I was
22 unofficially consulted about the different matters
23 but never officially.

24 Q. You were given a few explanations
25 or reasons why your activities were restricted in
26 a certain way about pilotage matters on the St.
27 Lawrence?

28 A. No.

29 Q. Are you aware that there has been
30 a stoppage of work of pilots in the month of April



1 1962?

2 A. If I am aware that -- ?

3 Q. There has been a stoppage of work of
4 pilots in the month of April 1962?

5 A. Yes.

6 Q. Were your superiors in Ottawa available
7 at that time? Were they on duty at that time?

8 A. Were they how?

9 Q. Were they bodily sitting in Ottawa at
10 that time?

11 A. Well the only absence I can remember is
12 that of Mr. Cumyn. He was in England at that time, or
13 in Europe at any rate.

14 Q. Did you have the opportunity of being
15 consulted regarding the problems which had arisen in
16 the field of administration or the operation of pilotage
17 because of that stoppage of work?

18 A. Yes.

19 Q. Could you please tell the Commission
20 who consulted you and were you consulted by your immediate
21 superiors or higher up officials?

22 A. Well at that time I was called upon
23 to go to the office of my immediate superiors, that of
24 Mr. Baldwin, the Deputy Minister as well as Mr. Balcer's
25 office where I went to two or three meetings I think.

26 Q. Aside from Mr. Baldwin, who is the
27 Deputy Minister, were your immediate superiors in
28 attendance at these meetings?

29 A. At the meetings with the Minister
30 I cannot remember if there were other persons, aside from



1 French

2 Mr. Baldwin at the meetings held at Mr. Baldwin's. I
3 think Captain Slocombe was in attendance as well as
4 Captain Jones but I am not quite sure about Captain
5 Jones' attendance.

6 Q. Were your immediate superiors the
7 ones who suggested to you to attend these meetings
8 either at the Deputy Minister's office or the Minister's
9 office?

10 A. In the case of the Minister, I think
11 that the Minister himself phoned me to attend that
12 meeting but about the Deputy Minister, I am not quite
13 sure.

14 Q. He phoned you directly?

15 A. Well no, through different inter-
16 mediate ways of telling me that I was wanted at the
17 meeting at 1:30 on a given day.

18 Q. Did you receive that news through
19 the intermediary of Captain Jones?

20 A. Yes. This was told to me directly
21 by Captain Jones.

22 Q. And the change that occurred in the
23 duties, at the time which you mentioned previously,
24 did those changes arrive in May 1962 or after the
25 stoppage of work or what?

26 A. I think it was in May 1962.

27 Q. Did you notice a change in the
28 attitude of your immediate superiors following the
29 communications that you received to go to the Minister's
30 office or that of the Deputy Minister?



1 French

2 A. Well no, not visibly there was no
3 change of attitude.

4 Q. This new order that you had received
5 starting in May 1963 no longer to give any recommend-
6 ations in your reports, or to express personal opinions
7 in your reports, did it occur exactly at the same time
8 as this new division of duties took place within the
9 Department?

10 A. No. Later on. The changes in my
11 functions occurred in May 1962 and directives concerning
12 the abolishment of my recommendations in my reports
13 occurred in May 1963 but at any rate perhaps it was
14 in April or May. It was in the spring of 1963.

15 Q. Could you please tell me if somebody
16 else gave you a reason for that?

17 A. Well this occurred quite strangely.
18 Perhaps I should try and explain to you exactly what
19 I did. When I saw the method used to do the work
20 of recommendation or penalty of pilots, I saw that
21 it was not the right way because there was such a
22 great time lost before I was through with my reports
23 concerning accidents; it usually took me about three
24 weeks to a month in order to do that work. When that
25 report was finished, then I sent it to Captain Jones
26 who then in turn, aside from his own personal work,
27 had to read all of these documents and study them in
28 order to be in a position to recommend to the chief of
29 the nautical service who also in turn had to read
30 exactly the same documents, aside from his own personal



1 work in order to recommend to higher up officials and,
2 consequently, while this was being done, well time
3 was elapsing so in January and February I did recommend
4 that instead of doing that work, using such a method,
5 that a revision committee composed of five or six
6 officers of the D.O.T. be established and that such
7 committee should take the necessary time in order to
8 study the report and that the recommendations of that
9 committee should be sent directly to the Minister or
10 the Deputy Minister directly.

11 In fact this committee was established a
12 little later on and following that I heard, probably it
13 was thought that the revision committee doing that
14 work didn't need my recommendation or my suggestions
15 and then I was asked no longer to write my own
16 recommendations in my report.

17 Q. Were you a member of that revision
18 committee that you mentioned?

19 A. No. Well it all depends on what
20 definition you give to being composed of. I was there
21 as a kind of reviewer because I had done the investigation.

22 Q. Was that a permanent committee?

23 A. No. The Committee, this was
24 established on each occasion and then it was composed
25 of three or four masters and my report concerning a
26 certain accident was being studied and this committee
27 submitted its recommendations or suggestions to the
28 Deputy Minister.

29 Q. Was that revision committee meeting to
30



1 French

2 revise an accident which might have involved a vessel
3 being piloted in all cases?

4 A. Well this committee sat whenever
5 a pilot had been accused.

6 Q. Do you know if the pilots were advised
7 that this revision committee existed?

8 A. Not to my knowledge.

9 Q. Do you think pilots' counsel were
10 present or were called to the meeting of this revision
11 committee?

12 A. No. This committee, to my own
13 knowledge, met only three times, I think starting in
14 April or May 1963 -- well personally I left in July
15 so this committee met three or four times.

16 Q. Was it still in existence upon your
17 departure?

18 A. Yes, to my knowledge.

19 Q. When this committee sat, were there
20 any special notices sent to the interested parties,
21 either to pilots or the Shipowners?

22 A. No.

23 Q. On this revision committee was there
24 a pilot also? Was there a pilot who was a member of
25 that committee?

26 A. Pardon?

27 Q. Was a pilot a member of that
28 revision committee?

29 A. No.

30 Q. How many members was that committee



1 French

2 composed of?

3 A. Well if I remember correctly at times
4 there were three. At other times there were four
5 members on that committee.

6 Q. All these persons were ship masters
7 or officers of vessels?

8 A. Yes. They were all officers of the
9 D.O.T. and were appointed by the chief of the nautical
10 service, Captain Slocombe and Captain Jones.

11 Q. Could you please give us the names
12 of the officers who sat on that Committee?

13 A. Captain W.G.R. Graves. Captain
14 Stan Morrison and then Captain Jones but I am not
15 sure if Captain Seeley was a member of that committee
16 but I know on certain occasions he replaced Captain
17 Jones, but I am not certain about that.

18 Q. All these persons were officers
19 of the Department in Ottawa itself?

20 A. They were all officers of the D.O.T.
21 in Ottawa.

22 THE CHAIRMAN: Would you have many more
23 questions to ask?

24 MR. LALONDE: I have a few questions to ask.

25 THE CHAIRMAN: We are going to have a short
26 recess.

27
28 ---A SHORT RECESS.
29
30



1 French

2 ---FOLLOWING THE SHORT RECESS:

3
4 CONTINUATION OF CROSS-EXAMINATION BY MR. LALONDE:

5 Q. This revision committee which has
6 been established, were you consulted about its
7 composition or its establishment?

8 A. I think that that committee has been
9 established following my own recommendation.

10 Q. Now when you left the pilotage service,
11 or rather the D.O.T. because I don't know if you can
12 call your last position a pilotage service, at any
13 rate were the decisions made about accidents delayed --
14 was there a protracted delay concerning the decisions
15 to be made about particular accidents?

16 A. To my knowledge when I left on
17 July 15th there was the case of the SARNIADOC and Pilot
18 Francis Leville which had not been settled for eight
19 or nine months, and there was also the case of
20 the TIMNA.

21 Q. Excuse me, up to now we did not give
22 the names of pilots who were involved in accidents, so
23 don't mention them.

24 A. There was also the case of the TIMNA
25 which had been delayed for two years or a year and a
26 half. There was the case of the ARROW, if I remember
27 correctly which had also been delayed for a year and
28 a half. I think the case of the ARROW was not an
29 accident case.

30 Q. When did the incident concerning the



1 French

2 ARROW occur, to your knowledge?

3 A. Well if I recollect it was in August
4 1960.

5 Q. Was that not rather in August 1961?

6 A. It was in the month of August but
7 I cannot remember if it was in the year 1960 or 1961
8 but the TIMNA was in 1961.

9 Q. Are there any witnesses who are
10 to appear before the revision committee when it sat,
11 for example, on these three or four occasions you
12 mentioned?

13 A. No. When the committee sat, the
14 committee did not feel it a good idea to call witnesses
15 for the given case at that time.

16 Q. Do you know if there were any
17 written definitions concerning the duties of that
18 committee or the terms of reference of that committee?

19 A. Well to my knowledge there was no
20 written definition of the terms of reference. There
21 was some that were made orally but not written. No
22 written definitions.

23 Q. You mentioned in your evidence that
24 there was a Joint Committee of Shipowners and Pilots
25 and representatives of the Department which met at least
26 on two occasions. Were there more than two, to your
27 knowledge?

28 A. While I was on duty in Montreal I
29 knew that there was two, but the Committee had been
30 established before I came to Montreal.



1 French

2 Q. Were you aware of the reasons which
3 gave rise to the abolition of that Committee?

4 A. Well I think that it was following
5 the steps taken -- well no, no, I am not sure enough
6 to answer. I am sorry.

7 Q. According to your knowledge were there
8 in Ottawa or on a local basis, would there be any
9 advantage for the powers of local or regional officers
10 being of a wider scope than those they enjoy at
11 the present time and if your answer is yes, then in
12 what field?

13 A. Well in my own opinion there is
14 no possible doubt about that. I made such a recommend-
15 ation on many occasions to my immediate superiors.
16 I personally think that the decentralization which has
17 been made had harmed a great deal the administration
18 of pilots in the different Districts.

19 Q. To your knowledge do you think that
20 this decentralization would apply both to the
21 administrative and the disciplinary matters?

22 A. Doubtless yes, to both.

23 Q. When you set up the marine school,
24 this collaboration programme for the training of pilots,
25 did you have an active co-operation with the groupings
26 of pilots concerned?

27 A. Yes. If you would allow me,

28 I would just like to say that it was for the
29 apprentices. There was very active co-operation in
30 the District of Montreal and marked co-operation in the



1 French

2 District of Quebec somewhat later.

3 Q. And in your work as Regional
4 Superintendent, did you have active co-operation from
5 the Corporation or Association of Pilots?

6 A. Yes.

7 Q. Your disciplinary plans, did you
8 have intervention of the Corporation or societies of
9 pilots or groups of pilots?

10 A. While I was Regional Superintendent
11 do you mean?

12 Q. Yes?

13 A. No. On the contrary, in the code
14 of pilotage which was formed of representatives of
15 the various Corporations, and so on, the pilots
16 themselves represented their groups and various
17 actions taken in this direction. I think those
18 recommendations for a year of suspension in one case.

19 Q. According to your experience and
20 your co-operation with the pilots or Corporations,
21 do you feel that the pilots' organizations would be able
22 to assume a good part of the administration and dis-
23 cipline of pilots?

24 A. Yes.

25 Q. You know that the Kingston pilots,
26 the American pilots worked jointly with Canadian
27 pilots. Could you tell the Commission if in the previous
28 case, if you had an accident implicating American
29 pilots in the area of Canadian waters?

30 A. Yes, two or three times.



1 French

2 Q. In this case do you just simply
3 make an inquiry and report with the Americans or do
4 you go further?

5 A. The arrangement is that the inquiry
6 should be done by the Authority where the accident
7 occurred. If the accident occurred in Canadian waters,
8 then it is done by the Canadian authorities. In the
9 American waters it may be done by the Americans, the
10 U.S. Coast Guard. In these cases it was rather
11 exceptional. A copy of my record, as well as copies
12 of the documents which did exist were sent to the U.S.
13 Coast Guard. The remainder was left elsewhere.

14 Q. Were you aware of complaints of
15 pilots in Cornwall District regarding what the Americans
16 were doing regarding pilotage in the area of Cornwall
17 near the American or in the area of the American lakes?

18 A. Yes.
19
20
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22
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30



1 FRENCH

2 Q. Were they called upon to intervene
3 in this matter?

4 A. Yes, twice.

5 Q. Were you Regional at that time or
6 were you in Ottawa?

7 A. I was the Regional Superintendent in
8 Montreal at that time.

9 Q. How did you proceed with these inquir-
10 ies?

11 A. The last inquiry came in the case of
12 an American ship, the locks where an American ship was,
13 and the pilot was American. A report of this inquiry
14 was sent.

15 Q. Do you know if any action was taken
16 following your inquiry?

17 A. In that case there was no follow up.
18 There was subsequent action in another case. The pilot
19 wasn't American.

20 Q. A case of an American Captain?

21 A. It was a Canadian Captain who had been
22 engaged to work in the St. Lawrence District on the
23 Canadian lakes.

24 THE CHAIRMAN: I think there was \$25.00
25 fine called for by your colleague. Do you recall this?

26 MR. LALONDE: Q. Yes, it is the same
27 case, my lord. Did you have the opportunity of seeing
28 to training of the men in Rimouski? In your own opinion
29 of training of pilots, and I am referring particularly
30 to the riding of Cornwall at the moment, would it be



1 FRENCH

2 better done by the apprentice system or through recruit-
3 ment of persons already having long experience in nav-
4 igation, say on board these vessels on the lakes, with-
5 out an apprenticeship system? Do you understand the
6 distinction?

7 A. I am understanding. I am trying to
8 answer. The training system for apprenticeship in
9 Quebec and in Montreal -- the District concerned, I should
10 be impartial -- but I have always believed that the
11 best way to train pilots is to send them through the
12 Institute for a year or two so that they go on to
13 fulfill their tasks.

14 Q. Considering this was a double question,
15 can you give an affirmative answer. Do you favour
16 apprenticeship?

17 A. When you have a candidate coming out
18 of a school he is specialized for this work.

19 THE CHAIRMAN: I understand this is
20 not just for the Cornwall District but you are
21 talking for everywhere, this isn't just limited to
22 Cornwall?

23 A. No, I believe the best way to train
24 someone is to send him through a school like that
25 whether he is going to pilot in Vancouver, Halifax or
26 anywhere else.

27 MR. LALONDE:

28 Q. Was there a school at the time you
29 were in this area?

30 A. Yes.



1 FRENCH

2 Q. Do you believe that the school is
3 useful or important or essential to the operation of
4 the District or to the training of apprentices?

5 A. In my opinion it is absolutely essen-
6 tial.

7 THE CHAIRMAN: You will note Quebec
8 has a new school, but it is for fishermen.

9 MR. LALONDE: Q. Are you aware of the steps or
10 pressures which are made with a view to setting up a
11 marine school at another place, to have another marine
12 school elsewhere?

13 A. Yes.

14 Q. I am sorry. According to your exper-
15 ience or in your opinion is there any advantage in
16 having a marine school elsewhere than Rimouski?

17 A. If you consider the functions of a
18 marine school where you would have all the requirements
19 of sending an apprentice through school Rimouski is
20 as good as Quebec. If no other -- if you keep the other
21 function of a marine school, the professional preparation
22 and so on, I would say elsewhere than Rimouski probably
23 more sailors could benefit from this.

24 Q. Did you have the opportunity of studying
25 the telecommunication services on the St. Lawrence?

26 A. Yes.

27 Q. During this stage?

28 A. Yes.

29 Q. Do you have any observations or remarks
30 to make on this matter?



1 FRENCH

2 A. I found that as I noted, and I recomm-
3 ended, I think, with the assistance of other officers
4 of the Department in 1963 that all the sytem must be
5 renovated, modernized using radios which exist at the
6 moment in order to have good communication systems on
7 the river which would meet the needs in 1963. I think
8 especially all people in a little cabin on the river
9 to note the name of the boats as they go by, I think
10 there might be a way of improving enormously this system
11 to be much more effective, and I have been made aware
12 of some studies and work that has been undertaken by
13 the Department of Pilotage in 1962 and 1963 with a
14 view to seeing that this should happen.

15 Q. I note that you spoke of the signal
16 services especially, Captain?

17 A. Yes.

18 Q. Would you say that telecommunications
19 are adequate on the St. Lawrence River to guarantee the
20 security and safety of the ships and the operation of
21 navigation usually? I refer to the communication with
22 the ground stations and the vessels? Have you had com-
23 plaints during your time as to the difficulty of comm-
24 unicating with vessels in both directions?

25 A. We have had complaints of difficulties,
26 certainly. This is the reason why the Department has
27 studied and is setting up a system that would be used
28 with much more radio from vessels to report the temperat-
29 ure along the river. I think in 1963, and I am not
30 very sure, but I think they tried to set up a system



1 FRENCH

2 whereby the ships could have a certain passup point
3 going up and down. I remember in Three Rivers there was
4 to be set up a reception signal centre for all vessels
5 on the river so that one may know their position and con-
6 trol them if necessary. This reception centre would
7 be directly linked with Montreal or Quebec to the station
8 where we need it most, reports on the position and the
9 requirements of the vessels, whether it be for the signal
10 service or other purposes, and I wish to reply to your
11 question, if this recommendation were really through and
12 this would be done in that way, then in my impression
13 there would be a great deal of improvement.

14 Q. Now, you know, Captain, that pilots
15 are supposed, as much as they can to observe certain
16 rules and regulations and especially those rules con-
17 cerning pollution of water. Do you believe that the
18 pilots are able to ensure an adequate surveillance or
19 should another service be set up in this connection?

20 A. Other surveys have been set up. There
21 are special surveillances, one or two days a week, a
22 helicopter goes from Ottawa to survey water pollution
23 in the St. Lawrence. The requirements asked of pilots
24 in this type of survey, it was just a request for aid,
25 whenever they see -- it is not a survey, they have to
26 survey water pollution. It is just simply a request
27 for assistance in order to help in the general surveill-
28 ance.

29 Q. Captain Gendron, during your stay
30 did you receive cooperation of pilots in this matter,



1 FRENCH

2 did you receive pilots' reports with regard to water
3 pollution?

4 A. I remember having had two. I am not
5 certain of those who have sent them. We have
6 certainly had cooperation. I never had any difficulty
7 in that regard.

8 Q. We have had proved before the Commission
9 there is a whole system of rotation for the pilotage
10 system in various areas. I understand that you set
11 up, furthermore, a special system during a certain period
12 in the Montreal District. Could you explain to the
13 Commission the system set up at the time and its value?

14 A. I noted that during the spring it
15 happens I would say, the 14th of April for a period of
16 roughly a week, sometimes going up to ten days, that
17 the vessels going up were obliged to attach to Quebec
18 or Three Rivers and what this amounted to is that the
19 pilots were called upon to join a vessel in Three Rivers
20 or Quebec and were obliged to wait two, three, four
21 days so as to be able to continue their journey. It
22 was simply a lack of preparation, I think. There were
23 meetings and assemblies, which were convened with the
24 Authorities of the St. Lawrence and we received two
25 or three or four times by written reports of engineers
26 working on the river, the ice breakers and so on, and
27 we arranged things so that we could advise the pilots
28 with two and a half hours notice to stay at home, and
29 this meant a minimum of time being involved. We re-
30 ceived in Montreal and Quebec the report instead of having



1 FRENCH

2 the pilot in Three Rivers waiting for these boats, the
3 information that was received, we notified the pilots
4 with two and a half hours notice to Quebec or Three
5 Rivers to join their vessels.

6 Q. Between the time you came into the
7 Pilotage Service and when you left, were you able to
8 note if there was a relative increase in the hours of
9 work of pilots on the St. Lawrence, number of trips
10 accomplished?

11 A. Yes.

12 Q. I noted in an item produced to the
13 Commission that a vessel had gone up the St. Lawrence
14 to Montreal during the stoppage of work in 1962 and
15 the ship was the CONSUELO. Would you tell me if to
16 your knowledge there was on board persons other than
17 regular members of the crew because this ship went
18 right up the St. Lawrence?

19 A. No inquiry was made as far as I was
20 concerned, and to my knowledge nobody else was aboard
21 than the crew of the ship.

22 Q. But there was no formal inquiry
23 on this matter?

24 A. I didn't make one.

25 Q. Thank you.

26 A. Just now we were talking of reports
27 which ships from abroad must make. I think I said a
28 negative answer. It was how are you informed of
29 accidents on the St. Lawrence when boats have pilots. The Cana



1 FRENCH

2 Shipping Act -- I would like to correct myself here.

3 It is obliged of Canadian vessels and American vessels
4 to send in certain formula, W.R. 1 and 2, but I thought
5 we were talking with information right away. This
6 formula is sent in one or two weeks after the accident.

7 Q. They are received when?

8 A. Because the English or Canadian Captain
9 has an accident and it happens at three or four o'clock
10 and they receive reports that are made -- he sends his
11 report to the Department in Ottawa.

12 Q. Who exactly receives these reports
13 in Ottawa?

14 A. It is received in the Naval Department
15 and it comes through the mail.

16 ENGLISH

17 The witness refers to Section 553
18 of the Canada Shipping Act.

19
20 CROSS-EXAMINATION BY MR. MASON:

21 Q. Captain Gendron, while you were Super-
22 intendent of Pilots what type of casualty were you called
23 upon most frequently to investigate?

24 A. Dock scratching and dock touching and
25 various minor accidents like that, if you are thinking
26 of the most numerous.

27 Q. Yes. You were also called upon from
28 time to time to investigate such things as strandings
29 and groundings and what have you?

30 A. Yes.



1 ENGLISH

2 Q. Let us take an example, the situation
3 of a vessel with a pilot on board that grounded. You
4 have mentioned that you made a preliminary investigation
5 and thereafter you submitted a report to which you
6 appended, if I may use your words, considerations, opin-
7 ions and recommendations?

8 A. That is right.

9 Q. Were you ever asked by the Department
10 when you assumed the office of Supervisor of Pilotage
11 to make these considerations and opinions and recommend-
12 ations?

13 A. No, sir. I felt this was part and
14 parcel of a proper report.

15 Q. Going back to our example of a
16 vessel grounding, what would be the nature of these con-
17 siderations and opinions and recommendations?

18 A. Well, they varied in various cases. You
19 may meet the circumstances when a ship is stranded and
20 when a ship is in collision where you have to consider
21 all factors and therefore the considerations go accord-
22 ing to that. It is difficult for me unless you give
23 me a hypothetical case to decide on.

24 Q. Would you weigh the facts in your own
25 mind and make an opinion, make a statement to the
26 effect that in your opinion this grounding was the
27 result of such and such?

28 A. I would, sir.

29 Q. Would you also make some recommendations
30 of any sanctions to be taken against a pilot?



1 ENGLISH

2 A. I would in some cases and in some other
3 cases I would recommend that a case like this should
4 go up in front of an Inquiry according to Sections 569
5 or 570 of the Act, or go to a formal investigation.
6 I would either recommend sanctions or recommend the case
7 be studied more closely.

8 Q. I gather from what you have said
9 there came a time when the Department asked you to cease
10 making these recommendations and I wonder if prior to
11 this time you were ever aware of any objection being
12 made by persons to this practice of yours?

13 A. No, I was never aware of people --
14 the answer is just purely no.

15 Q. You mentioned that upon your recomm-
16 endation a Revision Committee was set up?

17 A. That is correct.

18 Q. Was this Committee established after
19 you were asked to stop making your recommendations?'

20 A. No, to my recollection it was established
21 before.

22 Q. Before?

23 A. Yes.

24 Q. You said that there were no special
25 terms of reference for this Revision Committee. What
26 essentially was the purpose of the Committee? What
27 did it do?

28 A. It reviewed the case and it stopped
29 the laborious work of five or six high officials of
30 the Department of Transport studying the case indiv-



1 ENGLISH

2 idually. If you remember I explained what the procedure
3 was, instead of having five or six different people
4 studying the case closely and separately it allowed for
5 a group to study the case as fully as they wanted and
6 thereby make recommendations which would have a proper
7 effect.

8 Q. Where would these recommendations go?

9 A. Well, ultimately -- I can't say whether
10 they went directly to the Deputy Minister, but ultimately
11 they would reach there.

12 Q. You also mentioned the Pilotage
13 Committee, the Local Pilotage Committee, and I understand
14 this Committee was in being before you went with the
15 Department; is that correct?

16 A. Yes.

17 Q. What sort of matters would this
18 Committee be dealing with?

19 A. I have never seen the reasons -- I
20 have never seen the terms of reference of such a
21 Committee, but I was always under the impression that
22 this Committee was a disciplinary Committee which would
23 study any matter of pilotage and decide on the
24 recommendations and sanctions to be given.

25 Q. As the Chairman of this Committee
26 what procedure would you follow in calling the
27 Committee and when would you call the Committee in
28 relation to your preliminary investigation?

29 A. Following an accident the pilots,
30 a certain group were requested to send representatives



1 ENGLISH

2 to a certain place, the Shipping Federation was requested
3 to send representatives to a certain place and so
4 were the Dominion Marine people. These people met and
5 studied the documents they had in hand concerning that
6 accident and questioned the pilot, and I don't know
7 whether in the two cases I was on, whether they question-
8 ed the witnesses, but I know the pilot was present.

9 Q. Do you feel that this Committee served
10 a useful purpose?

11 A. I think I answered that a moment ago.
12 I can't tell you why this was abandoned. It just
13 faded out, let us say.

14 Q. While it was in existence you felt
15 it served a purpose, did you?

16 A. While it was in existence I think we
17 were doing the best we could.

18 MR. MASON: Thank you.

19
20 CROSS-EXAMINATION BY MR. BRISSET:

21 Q. Captain Gendron, you were Regional
22 Superintendent from September, 1959 to December, 1961?

23 A. That is right.

24 Q. I understand from your evidence that
25 this Committee who carried out some investigations of
26 accidents was in existence when you came to your office
27 in 1959?

28 A. Yes.

29 Q. While you were in function that Committee
30 sat twice, to your recollection?



1 ENGLISH

2 A. To my memory now it is twice, sir,
3 yes, once in Quebec and once in Montreal.

4 Q. Now, you stated that this Committee
5 more or less faded after these two sittings?

6 A. Yes.

7 Q. Isn't the reason for this development
8 the fact that the recommendations of that Committee were
9 not followed by the Superior Authority in Ottawa?

10
11 -----
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1 ENGLISH

2 A. These reasons I don't know. The reasons
3 you mention now I don't know. I know that we were very
4 highly disappointed on the fact that our recommendations
5 were either left out or not followed or cut down or
6 changed.

7 Q. At all events, after the recommendations
8 of that Committee were more or less ignored, the Committee
9 was not called upon to sit again to investigate
10 casualties?

11 A. The last ---

12 Q. Particularly the last meeting where
13 the recommendations of the Committee were completely
14 ignored?

15 A. The last occasion it sat was in
16 Quebec, sometime in 1961, I think, and after that we
17 never heard about it.

18 Q. Before we go on with investigation
19 of casualties, Captain, there is one point I want to
20 clear with you. You mentioned that while you were the
21 Regional Superintendent you would refer some major
22 matters to Ottawa for decision and, as an illustration,
23 you stated that you would so refer matters involving
24 a pilot to be replaced. Would you tell us what you
25 meant by a pilot to be replaced?

26 A. A pilot that was replaced either
27 through the death, through retirement or through sus-
28 pension.

29 Q. In other words, the decision to
30 retire a pilot for whatever reason it might be, lack of



1 ENGLISH

2 discipline, would be a matter for Ottawa to decide?

3 A. It was a matter for Ottawa to decide
4 until I requested that on my own I do the replacing of
5 pilots for pilots who retire or for pilots who die. I
6 think it was in 1960, in the middle of 1960 they gave
7 me permission to replace without question on my own
8 volition pilots who had retired or who died.

9 Q. When it came to such a replacement,
10 you would of your own authority select a name on the
11 list of apprentice pilots, I assume one that was next
12 on the line and would appoint him yourself?

13 A. Well in the long run this is what
14 would happen, except that we would choose the first app-
15 rentice. We would decide on an examination date and
16 after the examination, if he did pass the examination,
17 he would go on as a pilot.

18 Q. Now Captain I would like to go back
19 to the investigation of casualties. After your appointment
20 in September, 1959, as Regional Superintendent, did
21 you immediately assume ~~these~~ functions of investigating
22 casualties or only later on, after the Committee was
23 disbanded?

24 A. No. I assumed them automatically be-
25 cause I felt that they were part and parcel of my work
26 in the way of administering Pilotage as efficiently
27 as I could.

28 Q. Now these investigations that you
29 were carrying out into casualties while you were in
30 office, Captain, are they what the Canada Shipping Act



1 ENGLISH

2 calls the preliminary inquiry?

3 A. No. I understood them to be, I think
4 it is 552 of the Act where the Minister thinks that a
5 casualty has occurred he has power to name a person to
6 hold an investigation. I think they are called invest-
7 igations in the Act but it is vague, of course. I
8 never knew the difference myself.

9 Q. You have referred me, Captain to
10 Article 552 of the Canada Shipping Act which reads:

11 "The Minister may order an investig-
12 ation to be made by any person or
13 persons into the cause of any accident
14 on any ship whether attended with loss
15 of life or not. The person or persons
16 so appointed may summon witnesses and
17 compel their attendance by the same pro-
18 cess as Courts of Justice and may admin-
19 ister oaths and examine the witnesses
20 touching the cause of such accidents
21 and shall report thereon to the Minister."

22 Is that the article that you assumed that you were
23 discharging your function under as Regional Superintend-
24 ent to investigate casualties?

25 A. That is correct sir except after I
26 had been in Ottawa, after an accident the Chief of the
27 Nautical Pilotage Section may decide that a preliminary
28 inquiry was necessary and then I would work under the
29 terms of preliminary inquiries.

30 Q. Now in this first stage of your



1 investigation, under Article 552, would you include re-
2 commendations in your report or just state facts as
3 a fact-finding officer?

4 A. After the fact-finding operation, in
5 all the reports I made I always included recommendations.

6 Q. Now Captain after your first invest-
7 igation you would at times, I understand from your
8 evidence, be called upon to conduct what the Shipping
9 Act calls a preliminary inquiry?

10 A. Yes.

11 Q. And that would be under Section 552,
12 556 and 557 of the Canada Shipping Act?

13 A. I don't remember the numbers, I
14 am sorry, but I think so.

15 Q. I would like to refer you to Section
16 557 which says:

17 "Upon the conclusion of any such
18 inquiry, the officer or person who
19 made it shall send to the Minister
20 a report containing a full statement
21 of the case and his opinion thereon,
22 accompanied by such report of or
23 extract from the evidence and such
24 observations as he thinks fit."

25 Now in this second report would you again include
26 recommendations?

27 A. In all the reports. All of them.

28 Q. You did?

29 A. I included recommendations whether they
30 were under 552 or 557 until they asked me not to.



1 ENGLISH

2 Q. Now ~~Captain, when after~~ a first investigation
3 you were called upon to hold a preliminary inquiry,
4 Would you go again aboard a ship and interview witnesses
5 and interview the pilot and start over again?

6 A. A preliminary inquiry never followed
7 a fact-finding operation. It was either a fact-finding
8 operation or a preliminary inquiry. Following a
9 preliminary inquiry, it could have been followed by
10 either an inquiry under 569 or 570 of the Act or a
11 formal investigation following the ordinary investig-
12 ation like in 552. It was most of the time followed
13 with the 569 inquiry, under 569 and 570 of the Act,
14 because it was felt a preliminary inquiry, after a fact-
15 finding inquiry it was not necessary.

16 Q. In other words, and I think it seems
17 more logical, in the case of a casualty you would either
18 make an investigation or summary investigation, if I
19 may call it that, under 552 or you would make a pre-
20 liminary inquiry, I assume, if the casualty perhaps was
21 of a more serious nature?

22 A. This would be, I think, logical for
23 us to think so.

24 Q. And now if you held a preliminary
25 inquiry you were definitely entitled to express your
26 opinion and make your recommendation?

27 A. Yes, although I was never ordered
28 not to write opinions following preliminary inquiries.
29 Do you understand?

30 Q. Yes. Now Captain Gendron, after



1 ENGLISH

2 a preliminary inquiry which may result on your part in
3 a recommendation that there be a formal inquiry or type
4 of inquiry under Article 579 of the Canada Shipping Act,
5 and not 569 --

6 A. Thank you.

7 Q. Action, I take it, would be taken by
8 your Superiors in ordering one or the other?

9 A. Yes, following my recommendation for
10 either a 579 or a formal investigation, our Superiors
11 would then call to the Minister for the nomination of
12 either a person in the case of a 579 or a Judge in the
13 case of a formal investigation and after the nomination
14 came through, then steps were taken and work was done
15 so that it took place at a certain place.

16 Q. If my recollection serves me properly,
17 Captain Gendron, during your term of office from
18 September, 1959, to December, 1961, I believe there was
19 only one formal investigation conducted into the conduct
20 of a pilot or master and that was the one conducted
21 in connection with the grounding of the JOHN MISENER

22 A. That is correct.

23 Q. Further, I understand Captain Gendron
24 that there were quite a few inquiries conducted under
25 the provisions of Sections 579 and following?

26 A. Yes.

27 Q. During your term of office?

28 A. Yes, there were.

29 Q. Just to put these sections again in
30 your mind, Captain, I would like to quote the first part



1 ENGLISH

2 of Article 579 which reads:

3 "Where the Minister has reason to
4 believe that any master, mate or
5 engineer is, from incompetency or
6 misconduct unfit to discharge his
7 duties or that in the case of collision
8 he has failed to render such assistance
9 or given such information as is required
10 under Sections 651 and 652, the Minister
11 may cause an inquiry to be held."

12 Now do I take it that it was under this section Captain
13 that inquiries into the conduct of pilots were conducted?

14 A. I think I should have mentioned first
15 that it was under 579 in coordination with 568. If you
16 read 568, paragraph 2, all the investigations which were
17 made and which I called under 569, erroneously, and it
18 should have been 579, were called under 568 and then
19 579 of the Act. If you read 568, paragraph 2 and this
20 is what we thought applied to pilots:

21 "The provision of this part relating
22 to the manner in which such certificates
23 shall be dealt with, shall, so far as
24 they are applicable, extend to pilots'
25 licences which are subject to cancellation
26 or suspension in the same manner as a
27 certificate of a master, mate or engineer
28 is subject to cancellation or suspension
29 under this part."

30 THE CHAIRMAN: Do you wish to adjourn?



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9739

1 ENGLISH:

2 MR. BRISSET: Yes.

3 THE CHAIRMAN: So we will adjourn now
4 until 2:30.

6 -----



R/RPS 1 English

2

3

---FOLLOWING THE LUNCHEON ADJOURNMENT:

4

5

CROSS-EXAMINATION BY MR. BRISSET (CONTINUED):

6

7

Q. Captain Gendron, during your term

8

of office as Regional Superintendent and when you

9

were carrying out investigations in the manner in

10

which you have described this morning, could you say

11

whether the Department in Ottawa, your superior

12

officers generally followed your recommendations or

13

not? Can you give us an idea of what was the outcome

14

in general of your recommendations?

15

A. Generally my recommendations con-

16

cerning further investigations either as a 568-579

17

or formal inquiry were followed. I could say practically

18

all the time this was the case but recommendations

19

concerning sanctions were ignored. Maybe ignored is

20

not a term I should use but it is not very far out.

21

Q. In other words, they were not

22

implemented? They may have been considered but they

23

were not implemented?

24

A. They were implemented in part,

25

most of them.

26

Q. Now when you came to be appointed

27

as the investigating officer of casualties for the

28

whole of Canada in 1962, what type of inquiries were

29

you conducting at the time? Were these preliminary

30

inquiries in the true sense or the word of the other



1 English

2 type of inquiries that you were conducting as
3 Superintendent?

4 A. I did a number of investigations
5 as per 552, I think, as we were talking before. I did
6 one 568-579 as Commissioner and I did one preliminary
7 inquiry in the case of the ARJENTEUIL.

8 Q. Do I take it that you discharged
9 all the functions as investigating officer from early
10 1962 until the time you left the Department of
11 Transport in July 1963?

12 A. Yes.

13 Q. What was your experience during that
14 last period with regard to implementation of your
15 recommendations by the Department or your superior
16 officers? Was your experience the same as when you
17 were Regional Superintendent or was there a change?

18 A. No. They were practically the same.
19 In cases where I recommended a sanction of a certain
20 number of months, a suspension or fines or anything
21 else, these sanctions were usually brought down to
22 an infinitesimal number of weeks where I felt that
23 it wouldn't have any effect at all.

24 Q. When decisions were taken to reduce,
25 for instance, the sanction that you had recommended,
26 were you consulted by the Department before the
27 final decision was taken?

28 A. Officially no.

29 Q. When you were appointed to carry out
30 these investigations into casualties all across Canada,



1 English

2 were you given the understanding that your powers
3 would be greater than when you were simply Regional
4 Superintendent or that you would be exactly in the
5 same position?

6 A. I did not understand my powers
7 to be any greater at all. The investigations that
8 I was doing in Montreal, I was doing them as part of
9 my responsibility as Regional Superintendent and the
10 investigations which I did whilst I was investigating
11 officer, were just investigations in the same way as
12 I did before. I didn't have the impression that I
13 had any more powers.

14 Q. If after your own investigation it
15 was decided to hold a further inquiry under Article
16 579, would you attend normally such a further inquiry?

17 A. Yes sir.

18 Q. Now I think it would be of interest
19 to the Commission to give us an illustration of the
20 manner in which inquiries were conducted during your
21 term of office as investigating officer, and I would
22 like to refer you to one particular casualty which I
23 am sure you will recall involving the grounding of the
24 CONTINENTAL PIONEER near Les Escoumains involving a
25 pilot who had been concerned in the previous grounding
26 a week or ten days earlier in the case of the OAK HILL.
27 You recall these two casualties don't you?

28 A. Yes, I do.

29 Q. I would ask you, in giving your
30 evidence, not to mention the name of the pilot involved



1 English
2 as the rule has been in earlier hearings not to mention
3 names. Did you investigate yourself first the grounding
4 of the OAK HILL as investigating officer for the
5 Department? The OAK HILL is the one grounded in the
6 Harbour of Quebec?

7 A. Yes sir, I know exactly which one
8 you mean. I am trying
9 to remember now whether I did or not.

10 Q. You recall having received at least
11 a report from the Local Supervisor of the casualty?

12 A. Yes. I don't think I can recall having
13 done the inquiry myself on the OAK HILL.

14 Q. Now let's come to the second casualty
15 involving the same pilot on the CONTINENTAL PIONEER.
16 Did you conduct, as investigating officer for the
17 Department, an inquiry into this second casualty your-
18 self?

19 A. Yes sir.

20 Q. And what type of inquiry was that at
21 the time? Was it under 552 or preliminary inquiry?

22 A. Under 552 sir.

23 Q. Did you issue a report with recommend-
24 ations in this case?

25 A. Yes, I am sure I did.

26 Q. Do you recall what your recommendation
27 was?

28 A. To hold, if I remember now, it was to
29 hold a 568-579.

30 Q. Not a formal inquiry, but the inquiry



1 English

2 contemplated under 568-579?

3 A. Yes, and I had special reasons for
4 this because this was a special case.

5 Q. Now the inquiry, I take it, was held
6 in Quebec?

7 A. The inquiry was held in Quebec.

8 Q. In accordance with your recommendation?

9 A. At the Gare Maritime Champlain
10 in accordance with my recommendation.

11 Q. You were in attendance?

12 A. I was in attendance.

13 Q. The inquiry, if I may lead you here,
14 was held by Departmental officers?

15 A. Yes, Captain G.W.R. Graves.

16 Q. And he was assisted by counsel for
17 the Department?

18 A. I don't think I am mistaken in saying
19 it was Mr. Kennedy, Cliff Kennedy.

20 Q. And the counsel for the pilot was
21 also in attendance, do you recall that?

22 A. Yes, and I think it was Mr. Lord of
23 Langlois.

24 Q. And there was also counsel for the
25 ship present while the officers of the ship were being
26 questioned?

27 A. Yes, I think it was Mr. Gravel,
28 François de B. Gravel, something like that.

29 Q. There was also a representative from
30 our office in attendance, do you recall that?



1 English

2 A. Quite possibly sir. I don't know
3 now.

4 Q. Do you recall that during the course
5 of the inquiry the investigating officer adjourned to
6 sit in camera at another time during the inquiry?

7 A. Yes sir.

8 Q. Do you remember the inquiry terminated
9 with the announcement that it had been agreed by counsel for the
10 pilot that he would be suspended indefinitely?

11 A. Yes sir.

12 Q. Was there ever any public report made
13 on the facts of the grounding or reasons for the casualty?

14 A. Not that I know of. You mean a public
15 report?

16 Q. Yes?

17 A. No, not that I know of.

18 Q. Would you consider ---

19 MR. LALONDE: Excuse me. I don't understand
20 exactly what my friend means by public report. Is that
21 a report to the public? A public decision?

22 THE CHAIRMAN: Not kept confidential.

23 Q. Was there any report on the facts of
24 the casualty made public to anybody interested?

25 A. To my knowledge no. To my knowledge
26 no report came out from the Department of Transport
27 addressed to the public.

28 Q. Or which anybody interested could
29 obtain?

30 A. I don't think anybody asked for it,



1 English

2 to my knowledge. No, I don't think any reports were
3 made at all to the public or to anybody who would have
4 asked for it.

5 Q... Now Captain Gendron you have had at
6 least, I take it, about four years experience in
7 investigating casualties in the River particularly.
8 Would you consider it an advantage for the proper
9 administration of pilotage that possibly more publicity
10 or more public notice might be given on these investig-
11 ations and that shipowners might be asked to participate
12 in them a little more actively than they have been
13 able to in the past?

14 A. I am under the impression that the
15 whole system needs to be renovated and relooked at and
16 in my duties in 1962 I was fortunate enough to assist
17 two or three American hearings and following that I
18 brought back reports from these hearings which were
19 handed to my superior with the recommendation where in
20 my office as investigating officer a lawyer of the
21 Department should be attached and that together we
22 should sit down and work out regulations concerning
23 investigations, concerning casualties, concerning
24 preliminary inquiries, rules and regulations which
25 could be made out in a small pamphlet and which could
26 be available to all pilots or to all officers that
27 required it or to the public. This is the case -- you
28 find this in the American system and this is my
29 impression and I hope it answers your question sir.

30 Q. In other words, you have had occasion



1 English

2 in the discharge of your functions to compare the
3 American system of investigation of casualties with
4 the system which has been followed by the Department
5 of Transport during these last few years?

6 A. That is correct.

7 Q. I take it that you consider the
8 American system much superior?

9 A. I do sir.

10 Q. And there is no attempt in the American
11 system to hide anything from the public is there?

12 A. None whatsoever. Everything is public
13 and from the very start of the investigation stage right
14 down to the very last hearing this is wide-open to the
15 public and to anybody who is concerned.

16 Q. And even if some Department of the
17 United States Government is involved, there would be
18 no attempt made to fail to disclose in what way
19 such Department might be involved?

20 A. My answer to that would be that the
21 whole investigation and inquiry and sanctions in the
22 United States are regulated by the United States
23 Coast Guard, which is an entirely free body from
24 any other and that all their reports were available
25 and printed monthly in the Merchant Marine proceedings.



1 ENGLISH

2 The reports, of importance, are printed
3 monthly, and in fact, anybody who wishes it can get in
4 touch with the Coast Guard and get a copy of any report,
5 get a copy of the hearing itself.

6 Q. Apart from the report of the formal
7 investigation in the case of the JOHN MISENER grounding
8 are you aware that there was during your tenancy of
9 office for four years, there was any report of a casualty
10 investigated by your Department that was ever published
11 in the same way as the U. S. Coast Guard Reports are
12 published?

13 A. No, sir.

14 Q. To give another illustration, Captain,
15 of the manner in which investigations have been carried
16 out, I would like to refer to other cases which you
17 may recall. One is grounding of the super tanker,
18 the VIBEX in the Port of Quebec in October, 1961
19 and the other is the grounding of the super tanker,
20 IRVING STREAM in the Port of Quebec with the same pilot
21 on board both ships. Do you recall those two groundings?

22 A. I recall both of them.

23 Q. Did you investigate them personally?

24 A. I investigated both personally.

25 Q. Do you recall what was your recommend-
26 ation for the first grounding, that of the VIBEX
27 in October, 1961?

28 A. I am afraid I don't recall the exact
29 terms of my recommendation in the case of the VIBEX
30 or the case of the IRVING STREAM, but these are readily



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2 available in the records at Ottawa.

3 Q. Do you recall that the pilot concerned
4 after the second casualty was demoted from A to B pilot?

5 A. No, I don't recall it.

6 Q. Do you recall how long it took in
7 either of these two cases, or both, for the Department
8 to reach the final decision as to what sanctions should be
9 imposed in the case of this particular pilot?

10 A. In either case it was certainly a
11 matter of over four months. I am not too sure yet.
12 If I remember right the pilot was suspended later in
13 the Spring sometime and the casualty with the VIBEX
14 occurred in October.

15 Q. Wasn't it only after the second casualty
16 that this suspension took place, or do you recall?

17 A. He was sanctioned for both of them. I
18 don't know whether the first one came after the second
19 casualty or not. On the first casualty he was suspended
20 and following the second casualty -- I don't remember
21 quite right, but I think you are right he was demoted
22 to B.

23 Q. Now, Captain, during your years of
24 experience as investigating officer, either as Regional
25 Superintendent or simply Investigating Officer were you
26 aware of transactions having been made by the Department
27 and the pilots or their representatives on the type of
28 penalty which may be imposed; in other words a pilot
29 would come forward and say I will accept a penalty of
30 say, one month, and the Department would agree with



1 ENGLISH

2 that. And that would be the end of the matter.

3 A. I am sure I didn't ever hear of anything
4 like that. You are thinking of a bargaining, is that
5 another term for what you are saying? I am sure I didn't.

6 Q. That hasn't come to your knowledge?

7 A. No.

8 Q. Now, Captain, I speak of administration
9 of pilotage, both from the point of view of discipline
10 and running of the service. You have expressed the view
11 that the pilots could take over a large portion of these
12 duties. Could you amplify this and tell us in what
13 respect you believe that pilots or their Corporations
14 could take over?

15 A. I believe that certain groups -- I
16 don't mean all the groups, either, you know, I believe,
17 this is my frank conviction that certain groups of
18 pilots who have been, not operating but who have shown,
19 whom have shown they have seriousness -- could I answer
20 this in French, please.

21 FRENCH

22 A. (continued) I believe that certain
23 groups of pilots have sufficient seriousness and have
24 shown enough initiative and possibilities, that they
25 have shown to my knowledge that they can certainly as a
26 group administer -- they could have the authority only
27 as regards the operation of pilotage in their district
28 and I would even go a little bit further by saying that
29 they could be given more than a certain part.

30 Q. In other words you think in some aspects



1 FRENCH

2 the pilots have shown enough initiative to deserve they
3 should take some active part in the administration of
4 the services in their district?

5 A. Yes sir, I have no doubt.

6 Q. So you think that there should be /
7 closer co-operation or links between the pilots as a
8 group and the administration, whichever administration it
9 may be than has been in the past?

10 A. Well, the way I see it -- what existed
11 in the past exists no more. It is in relation to the
12 kind of suspicion that exists, lack of confidence among
13 the groups. How are you to arrive at a settlement of
14 this, I don't know.

15 Q. In other words you have noticed during
16 the last years that the administration on the one hand
17 and the pilots on the other hand separated, if I may
18 use that word?

19 A. I would say they have gone further
20 away from each other, if you like.

21 Q. Now, let us consider the shipowners,
22 do you believe, and I am speaking of the shipowners gen-
23 erally speaking, the group, do you think that the ship-
24 owners could bring any contribution to pilotage?

25 A. Certainly, I have no doubt.

26 Q. In other words the ideal system as
27 you see it would be to bring together the shipowners
28 and the pilots and the administration in one single
29 unit altogether?

30 A. (No interpreted answer)



1 FRENCH

2 Q. You spoke of the pilotage apprentice
3 system in the District of Cornwall recommending the
4 apprentice pilots be chosen among those who have been to
5 the Marine School, for example, and I think you went a
6 little further in answer to a question by the Chairman
7 of the Commission in adding the same applied to all
8 districts?

9 A. Yes.

10 Q. I would like to turn again to the sit-
11 uation with you as regards the harbour pilots, for ex-
12 ample.

13 A. Perhaps you would allow me to say I
14 didn't recommend this. It was only my opinion. I wasn't
15 recommending anything.

16 Q. You have pilots of a certain area, you
17 can correct me if I am wrong, I think in certain districts
18 there is a system like in Montreal, Cornwall, a prob-
19 ationary system, probationary pilots?

20 A. Yes.

21 Q. Let us take for granted, for example,
22 in the Harbour of Montreal you have a candidate who is
23 an officer, a Captain of a vessel on the lakes, who
24 has attained his officer's certificate after having passed
25 through the Rimouski School and who has been navigating
26 on the Great Lakes for about ten years and who wants
27 to become a pilot, don't you think it would be -- he
28 would be just as qualified as where you have an apprentice
29 who has spent two years in a marine school and who
30 has eventually become a pilot in Montreal without having



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2 been at sea other than perhaps one year?

3 A. First you have to consider that the
4 candidates will have been through the Marine School, not
5 necessarily at sea -- he may have been at sea long
6 enough to be an officer, but what I meant this morning
7 by saying in my opinion it was desirable that the pilots
8 should go through special training first, what I meant
9 was in my opinion the Captains who are on the lakes,
10 who are officers on the lakes and who become pilots,
11 probationary pilots in the Harbour of Montreal after
12 two, three, five months would become very good pilots.
13 I didn't mean this at all. I say those going through
14 the training school should go through this system as
15 lake captains because he goes through the same thing,
16 becomes an officer and would be a better pilot than the
17 type I previously mentioned.

18 Q. Unless, of course, he was a captain
19 or officer on the lakes who had been to the Rimouski
20 School for his training?

21 A. But how many do you have on the lakes
22 to-day who have had those two years of training -- very,
23 very few of them.

24 Q. The training in the Rimouski School
25 is one which is given not to the pilots as pilots, but
26 to those who want to become eventually either officers
27 of captains aboard these vessels?

28 A. Yes.

29 Q. Have you followed closely the organ-
30 ization of the Harbour which was set up in 1958 or 1959?



1 FRENCH

2 A. I was close by there, yes.

3 Q. Well now, considering what was done
4 then, would you say (end of interpretation).

5 A. Well, there were a couple involved
6 there, perhaps this is the way of having pilots to meet
7 the existing problem and in order to overcome this prob-
8 lem as satisfactorily as possible -- there is no reason
9 why you should not have experienced captains in this
10 field.

11 Q. There were other remarks that you
12 made in your testimony, if I understood well, to the
13 effect that during the years you had worked you had
14 noted a tendency to centralize on the part of pilotage?

15 A. Yes, you understood well.

16 Q. Would you say in what way this tendency
17 showed itself towards centralization?

18 A. Well, I would say it became long before
19 I arrived. Going from my appointment in Montreal,
20 Superintendent of Pilots, and just afterwards these pilots --
21 each time they were going to Ottawa, there were various
22 programmes they had, and I am not speaking -- I am not
23 entering into personalities, I am just speaking about
24 the problem. These two people, I would say they were
25 poorly chosen at the time, the time which should have
26 been captains of vessels and experienced people in order
27 to meet the problems existing instead of going up to
28 somebody in Ottawa to decide.

29 Q. I wanted to come back to this point.
30 This centralization has developed more swiftly after the



1 FRENCH:

2 appointment of clerks into the district who didn't have
3 the necessary competence in order to be Superintendents;
4 is that correct?

5 A. Yes, that is it in my opinion.

6 MR. LALONDE: Perhaps you could ask
7 the witness if he has knowledge about the rhythm of the
8 centralization before these two clerks have been
9 appointed?'

10 THE WITNESS: This has been the
11 appointment of two supervisors in Montreal and Quebec.
12 Prior to that we had certain people who, perhaps, were
13 a little bit more experienced in the volume of pilotage
14 on the river and the number of pilots and the distance
15 at that time didn't raise the problems of to-day.
16 Everything went smoothly until these two persons were
17 appointed. After their appointment the volume of traffic
18 on the river has increased, the number of pilots
19 doubled, and also the number of problems, of course.
20 All of those facts brought about far more work in Ottawa
21 and normally the Local Authority could have decided,
22 about certain matters. An example of that was in 1961
23 or 1962 when the Supervisor of the District of either
24 Montreal or Quebec -- I don't recall exactly -- he had
25 withdrawn the prerogative of levying penalties of \$40.00.

26 MR. BRISSET: So little by little the
27 Authority of the Local Superintendent has been decreased
28 let us call him a Superintendent even as he is a clerk --
29 this you would agree to?

30 A. Yes, if the person who was Local



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2 Supervisor was soft or more lenient that person was sat-
3 isfied with that because all the problems were being
4 settled at a high level and consequently he didn't have
5 to be afraid of certain repercussions or problems because
6 other people were settling these problems.

7 Q. Did it occur during your administration
8 that certain pilots quarters were abolished because the
9 pilots could get some lodging in the pilotage building?

10 A. Yes.

11 Q. Did you have anything to do with that
12 decision that was taken?

13 A. I was in agreement with the decision.

14 Q. What were the reasons at the base of
15 such decisions?

16 A. In the first place I think that what
17 influenced me the most was the state of the sleeping accom-
18 modation, and the state of these same quarters in Montreal.

19 In Quebec there were three of these quarters,
20 sleeping quarters, two on the second floor and one on
21 the third floor and the hygienic conditions and the dirt
22 existing in these sleeping quarters was appalling and
23 consequently it should never have existed in the pilotage
24 office, these sleeping quarters anyway.

25 MR. BRISSET: In concluding I would like
26 to thank you for the frankness and the accuracy with
27 which you have given your evidence. I am sure the
28 Commission will appreciate it.

29
30 RE-CROSS EXAMINATION BY MR. LALONDE:



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2 Captain, are you in favour of a compulsory
3 by-law according to which all ships arriving at Les
4 Escoumains should have radio-telephones on board or
5 another similar service?

6 A. Yes.

7 Q. Are you aware that certain numbers of
8 ships don't have such a service on board?

9 A. Yes.

10 Q. Did you ever undertake an investigation
11 in order to find out what would be the ratio of ships
12 not having such installations?

13 A. No, I didn't make any such investigation
14 concerning radio-telephones. The frequency of 21.82 --
15 in 1962 because these walkie-talkies had been purchased
16 and distributed to pilots and I was wondering whether
17 we should purchase an additional 75 walkie-talkies for
18 the pilots in Montreal and Quebec, I made an investigation
19 at Les Escoumains where I was given the number of ships
20 going upstream with high frequency in the end of 1962.
21 I found 23 per cent of the ships were equipped with
22 high frequency but there were a greater number of ships
23 which were equipped with the low type radios.

24 Q. So this investigation noted only 23
25 per cent of the ships were equipped with high frequency
26 radios?

27 A. Yes, very high frequency.

28 THE CHAIRMAN: V.H.F.

29 THE WITNESS: V.H.F.

30 MR. LALONDE: Did you make any invest-



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2 igation in order to find out if the radios were in
3 the wheelhouse or not?

4 A. No, I don't have any information about
5 that, but most ships that I visited and I visited quite
6 a number of them during the four years I was on duty,
7 these were equipped with V.H.F. and had control with the
8 wheelhouse.

9 Q. Would it be correct to say, Captain,
10 that following your appointment in Ottawa you had less
11 real power in the exercise of pilotage than when you were
12 Regional Superintendent in Montreal?

13 A. Yes, this is true. In fact when I
14 arrived in Ottawa I no longer had any such power.

15 Q. Could I ask you if this is a factor
16 which made you leave the D.C.T.? Naturally I wouldn't
17 like to start anything personal or pry into your own
18 personal feelings. If you prefer not to answer that
19 question you are entirely free not to do so.

20 A. Well, the position I was offered was
21 far more advantageous, but I think if I had been truly
22 interested in pilotage when I was on duty I would have
23 stayed there.

24 Q. My colleague, Mr. Brisset, asked you
25 a few questions regarding the organization of the
26 harbour pilots in Montreal and I think that you answered
27 that you were in agreement with this system used at
28 the time. Did that lead me to understand that ideally
29 speaking you would have preferred another type?

30 A. Well, I was in agreement with Mr.



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2 Brisset a few moments ago regarding establishment of
3 pilots in the Montreal Harbour who invited Captains to
4 give them a kind of probationary period because there
5 was a problem and we wanted to settle it and naturally
6 have it settled on very short notice. When I answered
7 previously the ideal system for me would be to start
8 training somewhere around the age of 17 or 18 and then
9 give him special training in a special school in order
10 to become a pilot.

11 Q. So your general opinion about that,
12 if I understood you properly, is that at a relatively
13 young age one should train to become a pilot and that
14 it is not a vocation that is acquired suddenly at the
15 age of 45. This is your stand?

16 A. Well, this isn't a vocation that one
17 acquires suddenly at the age of 45, and if it is the
18 type of position you acquire suddenly at the age of 45
19 one isn't a better pilot than the one who trained for
20 20 years to become a pilot.

21 MR. LALONDE: Thank you.

22
23 RE-EXAMINATION BY MR. JACQUES:

24 Q. Mr. Gendron, during all of the invest-
25 igations you have undertaken, and I am referring es-
26 pecially if you have undertaken any such investigation
27 where pilots have been accused of having been intoxicated
28 on board a ship -- did you undertake such investigations?

29 A. Yes.

30 Q. During these investigations did you



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2 ever ask questions of the accused pilot?

3 A. I can't recollect.

4 Q. Do you remember if during the invest-
5 igitations either counsel or proxy or a pilot would have
6 objected to your questioning the accused pilot or, let
7 us say, the Commander or Master of the ship or the Officer
8 who has accused, and I am not referring necessarily to
9 the Gulf of the St. Lawrence, everywhere you did in-
10 vestigations?

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THE WITNESS: And you are not referring necessarily to the case of intoxication?

Q. Well any type of investigation.

A. Could you please ask the question again?

Q. During the investigation that you have undertaken, did you ever have certain proxies or persons accused of whatever things, whatever it was a pilot had been accused of, intoxication or the master of a ship, for example, who had been accused of negligence in accordance with Article 579, in those cases do you think that the accused parties objected to being questioned?

A. No, never.

Q. This problem never arose?

A. No.

THE CHAIRMAN: In other words, he did not object to the question or other parties object to answering because it might incriminate them?

THE WITNESS: Yes my lord. In the case where counsel or proxy objected to a question put, but not objected to the examination per se. According to Article 578 or 579 of the Act, we might have had certain counsel who objected to the line of questioning but I remember that a counsel objected when we asked questions to one pilot or another.

Q. If I understand you properly, nobody raised the principle that no one may be forced to testify against so as not to be incriminated?

A. No. Now one must think that following



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2 my investigation, if my investigation was pursuant to
3 an investigation according to Articles 578 or 579 all
4 the documents I had on hand, as well as all the evidence
5 that I had on hand was not considered at all even if
6 I had questioned the pilot or the person who was previous-
7 ly entrusted with that. My documents were not given
8 to anyone. The Commissioner was appointed by the Depart-
9 ment and he was not referring to these documents.

10 Q. You are referring to a formal inquiry?

11 A. No. I am referring to the inquiry
12 according to Articles 578 and 579 of the Act.

13 Q. If I understand you properly, you were
14 making an investigation according to Article 552 and
15 for the time being you are recommending an investigation
16 according to 578 and 579. Then a different person is
17 appointed in order to undertake such an investigation?

18 A. Yes.

19 Q. And do you think -- does that person
20 start again in the investigation?

21 A. Yes, and my documents are not even
22 referred to.

23 Q. Isn't it the case in a formal inquiry
24 to hand the President or the Chairman of the inquiry
25 all the documents that have been obtained previously
26 according to Article 552 or 579 or according to the
27 preliminary inquiry?

28 A. Yes, I think so.

29 Q. Well you did not do that in the case
30 of Article 579?



1 A. No. In most cases the person appointed
2 by the Minister did not want to see any of the documents
3 and would start the investigation entirely new, from
4 scratch at the meeting.

5 Q. If I understood one of your answers
6 properly to Mr. Brisset, it was generally speaking all
7 the penalties that you suggested were far stricter, or
8 far more stringent than the ones that were imposed in
9 the last analysis?

10 A. Yes.

11 Q. Could you get to know the opinions of
12 the different Chiefs of the Departments or several Chiefs
13 of the Department to whom you were transmitting your
14 reports?

15 A. Yes.

16 Q. Would you be in a position to tell
17 if there was a great deal of discrepancy between their
18 opinions, starting from the Minister down to you?

19 A. It is upon the reading of these opinions
20 that we saw on the files, when it came back to us. Our
21 file was going to the Deputy Minister, the Minister and
22 when the file was sent back to us, we could find out
23 what was the opinion of the different personalities who
24 had studied that file. It is pursuant to that that
25 personally I thought that was extremely hard work that
26 was being done for nothing, and I had recommended the
27 establishment of a Committee that would do that work.

28 Q. Agreed, but have you noticed any dis-
29 crepancies in the opinions of the different persons
30 who examined your report?



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2 A. Yes. This was one of the reasons why
3 I recommended the establishment of a Committee and one
4 of the reasons was the difference in opinion of all the
5 people who were studying the file.

6 Q. Now you stopped giving or expressing
7 opinions or making recommendations upon the appointment
8 of the Committee you referred to.

9 A. Well this followed the appointment
10 or the establishment of the Committee. Perhaps a
11 month or three weeks after the establishment of the
12 Committee.

13 Q. Was that not also part and parcel of
14 the new system that you wanted to see established?

15 A. No.

16 Q. So the fact that you made no recomm-
17 endation was not part and parcel of the new system?

18 A. No. I had recommended the establishment
19 of a Committee and I still thought at that time that
20 the recommendations of a person doing the investigations
21 were important enough to be given to that Committee so
22 as to help it out in its study.

23 Q. In another line of thought, you have
24 been an apprentice pilot?

25 A. Yes, for two and a half years.

26 Q. In what District?

27 A. Montreal.

28 Q. Montreal - Quebec?

29 A. Yes.

30 Q. You also went to the Marine School in



1 Rimouski? You have been a Director there?

2 A. Yes.

3 Q. In combining your two experiences,
4 could you please tell us what the school could give or
5 afford the apprentice pilot?

6 A. According to my own experience of to-day
7 the seamen who have time at sea on board vessels do
8 not have the opportunity of studying as they should.
9 Most of these seamen to-day in the year 1962 or 1963
10 leave school in the eleventh grade and from the elementary
11 eleventh grade they go on board ships on which they
12 work for two or three years and, in the meantime, well
13 they leave aside their studies and only practical work
14 is being accomplished. Whilst in order to become a good
15 officer on board a vessel one needs loads of specialized
16 knowledge in the field of physics, mathematics, ocean-
17 ography and meteorology and everything else and all these
18 young people do not have the opportunity of studying
19 these subject matters and its all these subject matters,
20 oceanography, meteorology and stability which help
21 a pilot a great deal to fulfill his duty and this is
22 the type of subject matter studied at the school. Not
23 necessarily at Rimouski.

24 Q. Captain Gendron, basing yourself upon
25 the course of the Marine School at Rimouski as it was
26 when you were a Director at the School, could you please
27 tell us if amongst these courses which were being
28 given at the Rimouski School there were any courses,
29 aside from those which are required in order to obtain
30 an ocean-going vessel certificate or licence? Were there



1 any additional subjects?

2 A. Well you are asking me if this course
3 or programme covered the necessary knowledge one would
4 want to have a licence as a master ocean-going vessel?
5 No. When I was there myself as a Director the student
6 who was following courses for two years, theoretically,
7 would pass as a Second Mate ocean-going and a special
8 student perhaps could pass the certificate of First
9 Mate ocean-going.

10 Q. So you could say generally speaking
11 the general level of this school was Second Mate ocean-
12 going?

13 A. In the year 1959, yes.

14 Q. So the person who would obtain a
15 certificate for Second Mate ocean-going would have about
16 the same knowledge as a person who passed through the
17 School?

18 A. Yes, without this special training
19 which is given to the student 24 hours a day.

20 Q. What is that special training?

21 A. The fact of getting up in the morning
22 at a quarter to six, being in groups all the time. The
23 fact of wearing a uniform. Cleaning ones cabin. The
24 fact of having penalties whenever there are breaches
25 to the by-laws and the fact of being followed constantly
26 by an officer who accompanies them all the time and
27 the general routine of every day and after two years
28 of that if you have somebody who is really serious,
29 well then this young man is no longer a youth. He is now
30 a man. Somebody whom you can trust. Somebody who had



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2 to face problems and did not have to go around the prob-
3 lems but try to face them.

4 Q. You told us that in Quebec and in Mon-
5 treal the Superintendent had been replaced by clerks?

6 A. Yes.

7 Q. Do you know who replaced Mr. Hamel
8 in Quebec?

9 A. Yes.

10 Q. Who?

11 A. Captain Henri Allard.

12 Q. Do you consider him as being a simple
13 clerk?

14 A. That is not what I said at all Mr.
15 Jacques. What I said Mr. Jacques was that when the time
16 came to appoint the Supervisor of Quebec 20 years ago
17 clerks had been appointed but Captain Allard is one of
18 my students so I certainly cannot qualify him as a
19 simple clerk.

20 Q. I am sorry, I did not understand it
21 was 20 years ago.

22 A. Well perhaps I did not express myself
23 properly but this is what I meant.

24 Q. Do you think it would be enough to
25 have experience at sea in order to be a Local Supervisor?
26 By experience I mean experience on board a ship?

27 A. You mean on board a ship anywhere
28 or ocean-going?

29 Q. Well either coastal or home trade?

30 A. To my own mind this is absolutely



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2 essential in becoming a Local Supervisor.

3 Q. Why?

4 A. Because you have under you 75 or 70 per-
5 sons who have had experience on board vessels and your
6 knowledge should be at least equal to those you direct
7 in order to do a proper job.

8 Q. While you were a Regional Superintendent
9 what was the ratio of problems of a nautical order that
10 the Local Superintendent had to settle or discuss?
11 Weren't these rather administrative problems more than
12 anything else? Say bookkeeping, tax receipts, absences
13 and so on rather than nautical or technical questions?

14 A. Well the Supervisor, the Local Super-
15 visor had a very great deal of work to do in terms of
16 the administration, such as you were mentioning and
17 we have bookkeepers for all this so it becomes routine,
18 just a few minutes with the bill. There is no problem.
19 Just multiply and that is that. But the real problem,
20 the difficulties are where you have to get a solution
21 which will help both the pilots and the Department
22 which would improve the administration. In my opinion
23 it's very often this type: you have a pilot who is
24 badly situated. You have a pilot with minor accidents.
25 While I was there in Montreal there were 200, more
26 than 200 minor accidents a year. Each one of these
27 accidents you have to board the vessel, while you are
28 discovering what went wrong, and so on. You have to
29 see the Captain of the vessel, the Pilot, and so on,
30 and if you ask a Pilot or Captain why did you do such



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2 and such a thing. He will say that you did not do the
3 proper thing at the right moment, then you have to know
4 what it is all about and I think the Local Supervisor
5 should be something more than a clerk.

6 Q. One final question: were you in the
7 Pilotage Service when they set up the Pilotage System
8 in Montreal Harbour?

9 A. No. I was in the Marine School in
10 1957.

11 Q. Thank you sir.

12
13 RE-CROSS EXAMINATION BY MR. LALONDE:

14 Q. In your last answer I think you said
15 that it was indispensable. Would you please be explicit?

16 THE CHAIRMAN: You need a double
17 negative (end of interpretation).

18 THE WITNESS: That is what I meant
19 your honour.

20 MR. LALONDE: It sounded like the
21 opposite answer.

22 THE CHAIRMAN: Have you any other
23 questions?

24 ENGLISH

25 COMMISSIONER SMITH: If your lordship
26 pleases, there is a question that I think has been
27 partially and very ably covered by the witness in conn-
28 ection with these examinations, the inquiries, the
29 preliminary and then the formal inquiry into marine
30 casualties. Now my lord the witness has had a lot of



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2 experience at Montreal and at the Ottawa level and I
3 thought it might be useful to the Commission to have in
4 one piece and succinctly for the record his opinion of
5 how these investigations can be improved in the matter
6 of the presentation, of the procedure, of the jurisdic-
7 tion, or in any other way that these investigations
8 could be improved and I judge from the evidence that
9 he has given, that there was certainly room for improve-
10 ment and if the witness could in one or two sentences
11 cover that, I think it would be useful for the record.

12 THE WITNESS: I don't think, Mr.
13 Commissioner, there are very many ways to improve the
14 actual investigation itself. The work has to be done
15 and it is ordinary. It is easy to do but there is
16 definitely a need for a whole renovation of the invest-
17 igation inquiries and preliminaries and formal inquiries
18 as per the Canada Shipping Act. I think that this
19 renovation should be done, in my humble point of view,
20 after having visited the States like I did, that way
21 and by a separate body. A body entirely separate from
22 the Pilotage or Nautical Section of the Department of
23 Transport.

24 To my point of view a Commissioner or a
25 person should be named in charge of the office entirely
26 separate from any other body to regulate, to make these
27 regulations made known to the public and to act on
28 the sanctions.

29 COMMISSIONER SMITH: Thank you very
30 much.



1 ENGLISH

2 THE CHAIRMAN: You mentioned before
3 that you never objected to pilots being present when
4 you were making informal investigations and that they
5 be accompanied by their lawyers and the same thing for
6 shipowners.

7 THE WITNESS: No sir.

8 THE CHAIRMAN: Their presence there,
9 did it render your investigation more difficult or impede
10 you from making your investigation?

11 THE WITNESS: I don't think so. In
12 some cases the pilot was present, I questioned the
13 witness just the same as I would in any other case. The
14 pilot could not say a word, of course. He could not
15 question himself unless through the Chair but I have
16 never had any trouble that way. He was not invited in
17 the investigation I made on the other ship, for instance,
18 but on the ship where he was concerned, he was invited
19 and welcome at any time he expressed his wish to be
20 there.

21 THE CHAIRMAN: You did not experience
22 that their presence was a nuisance to you in making your
23 investigation?

24 THE WITNESS: No sir.

25 THE CHAIRMAN: You said that you
26 were asked not to make any further recommendations. When
27 was that?

28 THE WITNESS: I cannot give you the
29 date exactly sir but it was in April or May, 1963.

30 THE CHAIRMAN: Was it in writing?



1 ENGLISH

2 THE WITNESS: No sir. It was verbally
3 from my Superintendent, Captain D. R. Jones.

4 THE CHAIRMAN: Did that apply only
5 to informal investigations or preliminary inquiries you
6 were making under 555 or only to 552?

7 THE WITNESS: I understood it, although
8 I was not told, I understood it to apply to 552 only.

9 THE CHAIRMAN: I understood those
10 cases at that time came before that Committee of Review
11 and that you attended that Committee so you could give
12 them then your recommendations and your impressions?

13 THE WITNESS: Yes. I don't think I
14 understood you properly sir. I recommended the Committee
15 of Review. The Committee of Review sat once or twice,
16 I am not too sure and following that, I think it was
17 three weeks after I was asked not to put in any recommend-
18 ations any more but I did sit every time with this
19 Committee in order to give them the explanation I had
20 on the accident.

21 THE CHAIRMAN: You mentioned, with
22 regard to that Committee, that on no occasion they called
23 witnesses. I understand they were not an investigating
24 Committee. They were just a Reviewing Committee?

25 THE WITNESS: That is right sir. It
26 was called a Reviewing Committee. This was in order
27 to review the recommendations made by the investigating
28 officer.

29 THE CHAIRMAN: And whenever they wanted
30 to have some further information, I would gather that



1 ENGLISH

2 the proper procedure would have been to call upon the
3 investigating officer and to have him obtain some further
4 evidence?

5 THE WITNESS: I understood it that way
6 then too. I guess they did not feel that they needed
7 to call witnesses on the cases we were.

8 THE CHAIRMAN: YOU said that the
9 reason that prompted you to recommend the creation of
10 the Committee was the delay taken by the various steps
11 the recommendations themselves had to go through, so by
12 gathering all the people responsible to make those re-
13 commendations that you hoped to shorten that decision?

14 THE WITNESS: My hope was to diminish
15 the amount of work that was being done. To diminish
16 the delay in sanctioning the pilot or in taking away the
17 sanction which was waiting for him and to line up four
18 or five very serious people in order to recommend to
19 the Deputy Minister certain acts to take and I had
20 hoped that the Deputy Minister would rely very much
21 on this Committee and, therefore, all the other people
22 would not have to go into it and the delays would not
23 have been that long.

24 THE CHAIRMAN: Well the Committee was
25 created and did it come up to your expectations as far as
26 the results you were seeking?

27 THE WITNESS: The Committee itself
28 certainly came up to my expectations, sir.

29 THE CHAIRMAN: So it shortened delays?

30 THE WITNESS: Unfortunately no. It



1 ENGLISH

2 came up to my expectations in what they made, but I
3 found that after the Reviewing Committee had looked at
4 it we still had to go through the same steps in order
5 to get somewhere.

6 THE CHAIRMAN: This is something we
7 are interested in knowing. So you said that two cases
8 were heard by that Committee?

9 THE WITNESS: I think it's three sir.

10 THE CHAIRMAN: And did it take very
11 long to arrive at a decision as to disciplinary action
12 or otherwise in those three cases?

13 THE WITNESS: The Reviewing Committee
14 sat on these cases for half a period I think. It was
15 either a morning or an afternoon.

16 THE CHAIRMAN: And after that?

17 THE WITNESS: Their recommendations
18 went out the next day.

19 THE CHAIRMAN: And after they reached
20 the Deputy Minister -- it went to the Deputy Minister,
21 I suppose?

22 THE WITNESS: No. From there it went
23 to the Chief Nautical Service. From there to Mr. Cumyn,
24 the Director. From there to Mr. Booth. From there to
25 the Deputy Minister and it went through the same traces
26 that we had to go through before the Committee was
27 established.

28 THE CHAIRMAN: And the final decision,
29 are you aware that they had been rendered so far in those
30 three cases?



1 ENGLISH

2 THE WITNESS: I am afraid I don't know
3 sir.

4 THE CHAIRMAN: So you left sometime
5 after that?

6 THE WITNESS: I left on July 15th.

7 THE CHAIRMAN: You said that in some
8 cases the old procedure, when you were Superintendent,
9 you received permission from the Minister and you had
10 to send the pilot concerned a show-cause letter, in some
11 cases you did not. What was the difference when you
12 did and when you did not?

13 THE WITNESS: I don't think there was
14 an established pattern for this. There were no regulations
15 made. We were jumping from one case to the next
16 without any actual rule laid out as to what to do in
17 what circumstances and what procedure to follow so one
18 day you would find, after discussing a certain case,
19 your superiors would decide to send a show-cause letter.
20 The next one they would decide not to and upon questioning
21 you did not learn any more.

22 THE CHAIRMAN: The fact that the pilot
23 was not present at the time of the investigation, did
24 that have any bearing as to whether a show-cause letter
25 would be sent or not?

26 THE WITNESS: I don't think so.

27 THE CHAIRMAN: You said that you made
28 inquiries both under 552 and 555. When you made those
29 inquiries were you appointed each time by a special
30 order?



1 ENGLISH

2 THE WITNESS: I was appointed by special
3 order when I did 555 your honour.

4 THE CHAIRMAN: Not with 552?

5 THE WITNESS: 552 we were not appoint-
6 ed. I understood it was my duty. That is what I was
7 there for.

8 THE CHAIRMAN: Whenever anything was
9 happening that you thought needed some investigation,
10 you would carry out an investigation from your own dis-
11 cipline under 552? You just went ahead.

12 THE WITNESS: Yes. Usually we learned
13 of an accident through our teletype. Following this
14 information, I would then go and discuss with Captain
15 Jones or with Captain Slocombe about the accident and
16 of the necessity of going on the spot to investigate
17 and it would be decided then and there whether I would
18 go or not.

19 THE CHAIRMAN: I mean when you were
20 Superintendent?

3 21 THE WITNESS: When I was Superintendent
22 I used to fly on my own sir.

23 THE CHAIRMAN: And you did not wait
24 for an order from the Minister as indicated in 552?

25 THE WITNESS: No sir. All the ones
26 I did then were 552. I didn't do any 555.

27 THE CHAIRMAN: As I read 552 here it
28 says the Minister may order and then it goes on in
29 Paragraph 2 and it says that the person or persons
30 so appointed may summon witnesses, and so on. Therefore,



1 ENGLISH

2 I would gather from the letter of the law that you had
3 no authority to summon witnesses or to swear anybody?

4 THE WITNESS: It is quite possible
5 sir.

6 THE CHAIRMAN: Do you think it might
7 have been more advisable to go the way you did or as
8 laid down there, to go to Ottawa and ask for authority
9 and receive an order from the Minister and so on?

10 THE WITNESS: You would most likely
11 find then sir the ship was gone. This was a delay.
12 There was a delay there which probably would mean you
13 would lose your witnesses if you did that.

14 THE CHAIRMAN: Now changing the subject.
15 You talked about supplying walkie-talkies in Quebec.
16 What was your experience with walkie-talkies in this
17 District of Quebec?

18 THE WITNESS: We had not thought of
19 Quebec as such, sir. We had thought of supplying
20 walkie-talkies to pilots in the Montreal District bet-
21 ween Three Rivers and Quebec. Our experience along this
22 line had been that in, I think it was in 1962 in
23 late fall when we supplied Montreal Harbour Pilots I
24 think and in 1963, I may be wrong in the years here,
25 but we had worked a full year with walkie-talkies in
26 the Montreal Harbour and in the Montreal to Three
27 Rivers Section.

28 ---
29
30



B/RPS 1 English

2 THE CHAIRMAN: What was the use of the
3 talkie-walkies?

4 THE WITNESS: Oh, in Montreal Harbour, of
5 course, it was to facilitate communication with the
6 Montreal Harbour tugs.

7 THE CHAIRMAN: Tugs?

8 THE WITNESS: To facilitate in the meeting
9 of ships in the Montreal Harbour, facilitate the intellig-
10 ence of pilots in regards to ships ahead or ships astern
11 of them and the possiblity of facilitating communications
12 between the pilots directly to the office either in
13 Montreal, Three Rivers or Quebec.

14 THE CHAIRMAN: Are they still in use in the
15 Montreal Harbour?

16 THE WITNESS: They are still in use in
17 the Montreal Harbour. We meet them quite often.

FURTHER CROSS-EXAMINATION BY MR. BRISSET:

18 Q. In Montreal, Three Rivers, do you?

19 A. I think officially they are still used
20 in Montreal, Three Rivers, but I couldn't say any more
21 than that.

22 Q. What would be the range of these walkie-
23 talkies?

24 A. It is most difficult to say. I have
25 been working with one in my car for the last four months.
26 In the daytime we can reach a mile and a half and at
27 night-time you can reach 20 miles, but it is freaky.

28 THE CHAIRMAN: So about a mile would be the
29 short range?

30 THE WITNESS: That would be for my car; that



1 English

2 has been my experience, at the most.

3 THE CHAIRMAN: Mr. Brisset asked you about
4 the system of administration of pilotage whereby the
5 three existing groups would co-operate and you said it
6 was one of the possible systems. Do you know of any
7 other system besides the one that is being operated now
8 and the one suggested by Mr. Brisset that could be
9 organized that would be workable?

10 THE WITNESS: I haven't gone into it at
11 length at Montreal or Quebec or the others, but I have
12 knowledge of the American system where a certain group
13 of pilots who have proven their capabilities and their
14 seriousness are given the responsibility of operating
15 fully certain Districts. I have known problems where
16 billing hasn't been done properly, but I think that
17 with good policing the system that we know of in the
18 Great Lakes would work pretty well. This is my personal
19 opinion. My other opinion is separate from Mr. Brisset's
20 solution, is a very strong fully-powered body situated
21 locally which would operate the pilotage in co-operation
22 with pilots and the Shipping Federation and under an
23 administrative body somewhere else who would do purely
24 the policy matters and the rates structure.

25 THE CHAIRMAN: You mean another body --
26 you mean somebody separate from the Department of
27 Transport?

28 THE WITNESS: Not necessarily, but probably
29 preferably.

30 THE CHAIRMAN: Any further questions of the



1 English

2 witness?

3 MR. LALONDE: My lord, I would like on
4 behalf of my clients to congratulate Captain Gendron
5 for the good work he has done
6 for the time he has been here or in Ottawa. He has
7 run pilotage correctly and efficiently and fairly.
8 I don't think my clients have had the opportunity of
9 thanking him publicly before. I would like to take
10 this opportunity to do so now.

11 THE CHAIRMAN: We will now have a short
12 recess.

13
14 ---A SHORT RECESS.

15
16 ---FOLLOWING THE SHORT RECESS:

17
18 GASTON ROUSSEAU, Sworn

19
20 CROSS-EXAMINATION BY MR. JACQUES:

21 (THROUGH THE INTERPRETER.)

22 Q. Would you please give us your name
23 and occupation?

24 A. Gaston Rousseau, I am in the District
25 of Quebec.

26 Q. You are President of the Corporation
27 of Pilots?

28 A. Yes.

29 Q. Now, with regard to the questions,
30 the text has been prepared and I shall read them to you:



1 French

2 If, for example, the pilots were
3 to make you aware of their desire to
4 withdraw from the Corporation while stating
5 they were simply satisfied to belong to
6 their Association which is not dissolved,
7 how would you welcome their request?

8 A. Well, this question being very
9 important, first I would like to bring it up in a
10 general meeting, in a general assembly.

11 Q. The next question is a rather long one:

12 You have stated on several occasions
13 that the majority of pilots were in favour
14 of the present administration. Considering
15 this declaration and in order to prove
16 your goodwill would you be willing to produce
17 an official document such as that of the
18 former Association where the pilots who
19 approve of you and are satisfied with your
20 administration would come to sign definitively
21 once and for all, thus signifying their
22 approval or co-operation. Would you agree
23 to submit the proof, so to speak, so there
24 would be no doubt in the minds of the
25 Commission, that is to say for the pilots
26 of Quebec and to show the pilots of Quebec
27 wish or not to have the Corporation continued
28 following the procedure followed by the
29 Commission and following upon the revelation
30 which arises. Would this be an excellent



1 French

2 means of proving the solidarity of the pilots?

3 MR. LALONDE: I wishto object, my lord,
4 because it is an incomprehensible question. Also, for
5 more serious reasons, I think what is being asked at
6 the moment is to show whether the majority of the
7 pilots of his Corporation in his District approve of
8 him or his administration. The annual general assemblies
9 can table their reports to the Commission and there
10 will be another annual general assembly convened for the
11 beginning of January, the second Wednesday of next
12 January and this will be submitted to the Assembly
13 for approval of the members and I don't see why the
14 question, as much as I can understand the question, I
15 don't see how it can have anything to do with what we
16 are dealing with now. I know that all my confrere is
17 doing is to read the questions aloud.

18 MR. JACQUES: I am sorry for my friend's
19 objection because he has answered my question. I would
20 have preferred the witness to answer it. The last
21 question: Explain the difference of \$10,000 which is
22 indicated in the balance sheet of November, 1963.
23 How can you explain such an error, if there is an error
24 when it was necessary to make a division of the amount
25 of the collection before distributing it to the 75
26 pilots?

27 First would you like to explain what is the
28 difference of \$10,000 in the balance sheet of the
29 month of October, 1963?

30 A. Well, in the distribution for October



1 French

2 there was an error of \$10,000; that is to say, they
3 distributed to the pilots, instead of distributing to
4 the pilots \$55,000 they made a \$10,000 error so they
5 distributed \$65,000 which means they paid \$10,000
6 difference to the pilots. During this time there were
7 various confreres who didn't know, thought we played
8 with the \$10,000. It was above. It was too much,
9 not too little. I asked Mr. Menard to give an
10 explanation the next time.

11 Q. This sum of \$10,000 which, in fact,
12 was paid to the pilots, how was it covered?

13 A. Well, the cheques have to be
14 produced, and it was explained to me, the situation,
15 there are several of our members who don't cash their
16 cheques immediately so the difference of the \$10,000
17 even if a few didn't cash it in the bank -- he told
18 me certainly it would be covered because of the members
19 who didn't cash up their cheques right away. At all
20 events Mr. Menard prepared here something which is
21 added on here. If you like--I knew it was going to
22 come up so I got ready for it. Here we are. The
23 next distribution there will be on the pay sheet
24 something like this: Please note that the distribution
25 of the 5th of October last, the amount of the collection
26 was \$55,207.48 and that by error I distributed to the
27 pilots \$65,207.48. On the 20th of October I made
28 a correction which was necessary and a distribution
29 was placed of \$65,000 to pilots. In short the pilots
30 have received \$10,000 fifteen days too early, that is the



1 French

2 5th instead of the 24th.

3 Q. So, if I understand properly the
4 receipt for the 5th of October was \$55,000 and you
5 distributed \$65,000?

6 A. Yes.

7 Q. Furthermore on the 15th of October
8 receipt was \$70,000 and you only distributed \$60,000?

9 A. Yes.

10 MR. JACQUES: Thank you.

11
12 RE-DIRECT EXAMINATION BY MR. LALONDE:

13
14 Q. May I ask the secretary to try to
15 go back through the documents and find the item which
16 consisted of a list of the persons who joined the
17 Corporation of pilots of the Lower St. Lawrence River
18 during the organization of the Association in 1960,
19 in the month of March, 1960.

20 Mr. Rousseau, during the question of my
21 confrere, Mr. Jacques, he asked you to produce a
22 copy of the telegram sent to the vessels which were
23 waiting in April, 1963, which was sent by your
24 Corporation on behalf of the Federation of Pilots
25 of the St. Lawrence. Would you look at the two
26 texts, the one of the 6th of April and the other of
27 the 8th of April, 1962 and tell me if these documents
28 are actually copies of the telegrams which were
29 in fact sent to the vessels?

30 A. Yes.



1 French

2 Q. I note there is a list of vessels
3 at the bottom of the telegram. Is this the list of
4 vessels to which these telegrams were, in fact, sent?

5 A. Well, I didn't make this verification
6 as to whether the telegrams went to the vessels, but
7 it is one of the pilots from our place who is
8 supposed to have sent the telegrams.

9 Q. This list was filed by your
10 Secretary-Treasurer?

11 A. Yes.

12 Q. Mr. Menard. Regarding this item
13 perhaps we could produce the telegram as Exhibit 769.

14 THE SECRETARY: Copy of telegram sent
15 to captains of vessels from the Federation of Pilots
16 of the St. Lawrence on April 6th, 1962 and April 8th,
17 1962.

18
19 ---EXHIBIT NO. 769:

Copy of telegram sent
to captains of vessels
from the Federation of
Pilots of the St. Lawr-
ence on April 6th, 1962
and April 8th, 1962.

20
21
22
23 MR. LALONDE: 8th of April.

24 THE CHAIRMAN: Is that 1962 or 1963?

25 MR. LALONDE: Excuse me, 1962. I repeat.
26 1962.

27 MR. LALONDE: Q. During the questions, the
28 examination by my confrere, I think there was a point
29 that wasn't quite clarified, Captain Rousseau, namely
30 during the hearing in Ottawa did the Federation of the



1 French

2 St. Lawrence Pilots -- was it constituted at that
3 time?

4 A. In 1959, no.

5 MR. LALONDE: You don't have the exhibit,
6 Mr. Secretary?

English 7 I don't know whether it is very important
8 to have the exhibit but a mistake was made by my
9 friend, Mr. Mahoney, I am sure unwittingly to the
10 effect that the document to which he referred concerning
11 the number of pilots who joined the Corporation at the
12 time of its organization in April, 1960, March and
13 April, 1960, to the effect that this exhibit to which
14 he produced wasn't complete in the sense he referred
15 only to the first page of it and not the back of it
16 which had a further list of names of people who had
17 joined, with the result that the calculations that
18 he made as to the number of people who actually signed
19 before the incorporation was lower than the actual
20 number of people who signed. The same applies for the
21 people who signed, very largely after the organization
22 of the Corporation. This point was brought to my
23 attention by my confrere, Mr. Brisset also who has
24 realized also a mistake was made in that respect. I
25 don't know whether my friend Mr. Brisset would agree
26 for the purposes of the record.

27 MR. BRISSET: This is quite so, my lord.
28 There was another number listed. I can't find the
29 exhibit at the moment and give the Commission the
30 correct number.



1 English

2 THE CHAIRMAN: I am looking for it too.
3 What was the exhibit?

4 MR. LALONDE: 713, my lord. It has just
5 been handed to me. It was 713. It was composed of
6 two sheets and inadvertently my friend didn't refer
7 to page 2 which had a further list of names of people
8 who had joined either before the organization of the
9 Corporation itself, that is before April 25th, 1960
10 or very shortly after. I don't think I should take
11 the time of the Commission to review with Mr. Rousseau
12 the actual figures which were given by my friend
13 Mr. Mahoney. I would like it to be clear in the
14 record here that there is a mistake.

15 THE CHAIRMAN: It is easy to calculate.

16 MR. LALONDE: Yes. Anyway, it didn't
17 have too much importance in the sense that at any
18 rate, even with my friend's calculation, Mr. Mahoney's
19 calculation, there was a two-thirds majority in favour
20 of the Corporation before the actual date of the
21 incorporation. Obviously that two-thirds majority
22 was a little bit close comparatively to what is the
23 actual fact. Thank you, Captain Rousseau.

24 THE CHAIRMAN: Any more questions of
25 Captain Rousseau?

26 MR. LALONDE: I understand my friend,
27 Mr. Jacques, has no further witnesses to produce today.
28 I would like, with your permission, to start the
29 presentation of the Montreal District evidence, in
30 particular the description, physical description of the



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(Lalonde) 9788

1 English
2 river between Montreal and Quebec. For that purpose
3 I would like to call Horace Arcand.
4
5
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11
12
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29
30

---A SHORT RECESS.



MR/RPS 1 French

2 ---FOLLOWING THE SHORT RECESS:

3

4 HORACE ARCAND, Sworn

5 THE SECRETARY: Could you please state your
6 full name?

7 THE WITNESS: Horace Arcand.

8 Q. Could you please tell us your age
9 Mr. Arcand?

10 A. 58 years old. I am in the District
11 of Montreal-Three Rivers.

12

13 DIRECT EXAMINATION BY MR. LALONDE:

14

15 Q. Now if I understand it properly, you
16 are a pilot in the Montreal District?

17 A. Yes. Montreal Central.

18 Q. For how long have you been a pilot
19 in the Montreal District?

20 A. Since 1934.

21 Q. In the present time in what area
22 of the District do you work?

23 A. Montreal-Three Rivers.

24 Q. What was your experience at sea before
25 becoming a pilot?

26 A. Well on the Eastern Coast and on the
27 Western Coast on board German ships, that is the
28 DENZIG FLAG. We travelled from Magellan Straits south
29 around Cape Horn and then to Parana River and then also
30 with the ships of the Canadian National and we are going



1 French

2 to New Zealand, from Montreal and also on oilers of the
3 Standard Oil of New Jersey which were going from New
4 York to South American and also navigating on the Great
5 Lakes and Fort William, Duluth and I was on the Great
6 Lakes.

7 Q. For how long have you navigated before
8 becoming a pilot?

9 A. Well for about four years on the Lakes
10 and then average of seven years as an apprentice so I
11 think that I obtained my licence as a pilot at the age
12 of 28 and I started navigating at the age of 17.

13 Q. Are you a holder of any licence?

14 A. I have my master's coastal.

15 Q. Did you obtain that certificate at the
16 time you became a pilot in the Montreal District?

17 A. Yes, quite a while.

18 Q. For how long were you an apprentice
19 in the Montreal District?

20 A. Well seven years. I started my
21 apprenticeship in October 1927 and I obtained my licence
22 as a pilot in March 1934.

23 Q. Was your duty as an apprentice taking
24 your full time, or keeping you busy full time as an
25 apprentice?

26 A. Yes. We were so more or less full
27 time because the ships were not as fast as today and
28 we were making many trips and we done more than a hundred
29 trips per year between Quebec and Montreal and the ships
30 were not as fast and we were kept busy.



1 French

2 Q. At the present time are you a pilot
3 of grade A or grade B?

4 A. Grade A pilots.

5 Q. For how long have you been a pilot
6 grade A?

7 A. Ever since it has been established
8 in 1959, I think, 1958 or 1959. Yes, I have been a pilot
9 of grade A ever since it has been established.

10 Q. Since when has the Montreal District
11 been subdivided in two sections? That is one from
12 Quebec to Montreal and the other one from Three Rivers
13 to Montreal?

14 A. Well I think this started in the year
15 1955 or 1956. The beginning was with the slow ships and
16 the first ships did not make any changeover at Three
17 Rivers and gradually we got to a complete changeover
18 for all ships but if my memory is correct, I think
19 this started in 1955 or 1956 when the slower ships
20 changed over pilots.

21 Q. Do you remember at what year approx-
22 imately that change became compulsory on all ships?

23 A. I think it was in 1959.

24 Q. Could you please tell us Captain
25 if you were a special pilot prior to the establishment
26 of these different pilot ratings?

27 A. Yes. I took down some notes. I
28 was working for McLean-Kennedy at the outset when
29 I started first in the field and then I obtained my
30 pilot's licence in 1934 and then I worked for McLean-



1 French

2 Kennedy from 1935 until 1946 which represents 11 years
3 and afterwards for Canadian Pacific from 1946 to 1959
4 and then Grade A was established in the year 1959 so
5 I worked for 11 years for McLean-Kennedy and 13 years
6 for the Canadian Pacific and Grade A pilot ever since
7 1959.

8 Q. So I suppose that you have a certain
9 experience in manoeuvring certain passenger ships in the
10 Montreal District with all these years of experience.
11 For the benefit of the Commission could you please take
12 a hypothetical case of a passenger vessel, such as an
13 Empress and let us say that you board at shed No. 9
14 in the Montreal Harbour and then describe to the
15 Commission what a trip on board such a vessel would
16 represent from Montreal to Three Rivers indicating to
17 the Commission in brief what are the approximate courses
18 you would adopt and what particular difficulties you
19 would have to meet during the trip. Could you please
20 indicate the approximate courses you would follow in
21 blue and the currents in red, if you need to do so.

22 Did you ever pilot Empress vessels?

23 A. Well I wouldn't like to start counting
24 them because I would be afraid, so I was working there
25 for 13 years upstream and downstream and consequently
26 every week I would do two or three trips.

27 Q. So it seems that you have piloted
28 Empress vessels on the River?

29 A. Yes, and many times too.

30 Q. Could you please describe to the



1 French

2 Commission what is a trip of a vessel piloted in that
3 District starting at hangar or rather shed No. 9 in
4 the Montreal Harbour?

5 A. This is a little difficult to describe.
6 If I was speaking to pilots, we all speak the same
7 lingo and we can understand each other but naturally
8 it is difficult to describe to people who are not
9 cognizant of this. You want me to give a good
10 explanation concerning the vessel, and so forth. Nat-
11 urally if I was speaking to pilots here I would not
12 need to designate or indicate anything on the chart.

13 THE CHAIRMAN: What we want to know is to
14 have something that we will be able to understand
15 when we read it at home.

16 Q. Captain, we are not required to
17 give a technical description to the extent of which
18 everyone of us could make a request to become a pilot
19 tomorrow morning.

20 A. Because I was witness to many
21 examinations for pilots. There is a kind of routine
22 for us. Now when we are speaking to the layman or
23 other people, outside people well we sort of are shy
24 so let us say we leave shed 9, that is from the place
25 where the Empresses are berthed, so we start at shed
26 No. 9.

27 Q. Indicate in red on the chart Exhibit
28 451. ^{A.} So we are going to put the ship here in the basin
29 (indicating) after having phoned the Harbour Master
30 and having obtained authorization to leave. Before



1 French

2 leaving, naturally we receive the authorization from
3 the Harbour Master and then I have a tugboat in the
4 front and in the back and we are asking if we have a
5 freeway and after having done all that, we leave by
6 going backwards. At the outset we must be careful,
7 if we have some west wind, east wind and so forth, must
8 be very cautious because naturally wind may have a
9 great influence on such a big vessel. If I have
10 an eastern wind, I have a tug here (indicating), I have
11 one on the port side and one on the front and one on
12 the back. Another one here (indicating) standing by.
13 If the wind is eastern well this is going to push the
14 forepart of the boat and finally I get the position
15 here (indicating) going backwards and then I start.

16 What we must be careful about is to see
17 to it that our ships should be at the south of the --
18 negotiated at the south of the buoy.

19 Q. What number? What is the number
20 of the buoy?

21 A. I don't know them by heart. 201M is
22 the number of the buoy.

23 Q. When you go backwards leaving the
24 berth like that, at what distance do you find yourself
25 from this McKay pier?

26 A. I think 700 feet, the distance would
27 be satisfactory. If it would be a hundred feet behind
28 the vessel, if the office indicates that we have a
29 hundred feet clearance, I am going to stop my vessel
30 so as not to go backwards anymore so I turn it around



1 French

2 here (indicating) and put it in direct line in order
3 to take our departure.

4 As soon as I leave, I know in advance
5 my vessel is going to pass here because of the current
6 which is increasing at shed No. 18 or 19. There is
7 a kind of surge and that is why my vessel wants to
8 go south. I know that in advance, so I stop here
9 (indicating) and when the current takes me, well the
10 contrary will occur. My ship will want to go towards
11 shed 24, 25 and 26, so I know that in advance so I
12 turn my rudder before it starts shearing towards the
13 north.

14 Q. What is the approximate current in
15 that particular place in the Montreal Harbour?

16 A. Well five to six knots. Everything
17 depends upon the level of the water. Well usually
18 there is a current of six knots.

19 Q. Do you think that the works being
20 accomplished at the present time in the Montreal
21 Harbour have influenced the current recently?

22 A. Well perhaps they will have repercussions
23 upon them, not over here (indicating) but more down-
24 stream.

25 Q. Could you please go on then with
26 your vessel?

27 A. Well I have prevented my current,
28 which throws me northward here and what will happen
29 now as I go downstream the current is going to go
30 astern of my ship and my ship will want to pass at the



1 French

2 south of the south pier of the bridge. This is what
3 my ship will want to do, go north here (indicating)
4 and then get back, and then the current here is going
5 to take the front of my ship, and my ship will want
6 to go south of the south pier of the bridge so
7 naturally I prepare myself in advance. I set the
8 rudder accordingly so I pass the centre here (indicating)
9 and every time the current throws me here and here
10 (indicating) my ship will want to go to the south
11 because the current here around the island (indicating)
12 sends me southward here so naturally those are
13 things that I guard against using the rudder.

14 Here the current goes against ---

15 Q. Please don't use "here" or "there."

16 Every time please give us some names because naturally
17 when you read in the file here or there it doesn't
18 tell you much.

19 A. When you are near the Laurier pier, the
20 current throws my ship here at the south so I guard
21 against that with the rudder here and the same thing
22 appears here.

23 Q. Where is that "here"?

24 A. Here at the pilots' office and the
25 current goes that way and then my ship goes towards
26 pier 50. Where is the red pencil so I might indicate
27 the current?

28 Q. So you indicate with a red pencil
29 the approximate direction of the current?

30 A. Yes.



1 French

2 Q. Don't be afraid to press with your
3 pencil because the chart is made out of good paper.

4 THE CHAIRMAN: I would suggest that upon
5 adjournment that you take a good pencil with the witness
6 and you start to pass again with a good pencil.

7 Q. Captain could you please go on with
8 your ship up to the place where you had reached this
9 pier 50?

10 A... Now I would like to explain my ship
11 has not reached its full speed here. I cannot leave
12 Montreal Harbour at 110 rpm's with such a big ship.
13 I must be careful about everything so naturally the
14 current has a far greater influence on my ship and
15 if I have a ship that is in 30 feet of water, well
16 you can imagine the strength of it, so naturally you
17 must prevent all that. It wouldn't be as bad if I
18 was going at full speed, but when you are going at
19 a slow speed you must be very careful. Naturally you
20 must always take into account all these different
21 piers, even though you have the authorization from
22 the Harbour Master of the Montreal Harbour. Sometimes
23 there are many small crafts coming to these piers
24 and you must be careful about them.

25 THE CHAIRMAN: Before leaving your pier,
26 do you need a freeway?

27 THE WITNESS: Yes. We have the authorization
28 of the Harbour Master to leave because a ship may be
29 mooring and sometimes they do not moor, so we must
30 give them a chance to finish mooring their ships so as



1 French

2 soon as we have a freeway, then we leave. Well if there
3 is manoeuvring a ship that is turning there (indicating)
4 we wait. I wait here (indicating). I don't take the
5 deep current, so I wait there.

6 Q. Where would that "here" be?

7 THE CHAIRMAN: At the west of the McKay
8 pier?

9 THE WITNESS: Yes. I would say at the south
10 of Jacques Cartier pier. So I wait there at the Jacques
11 Cartier bridge.

12 Q. Indicate in green on Exhibit 451.

13 A. So when I see that I have a freeway,
14 well then I leave.

15 Q. Then the tugs which helped you, where
16 did they leave you approximately?

17 A. Well near the jetty here. Jetty No.2.

18 THE CHAIRMAN: Do I understand correctly
19 that they leave you as soon as you are turned
20 entirely?

21 THE WITNESS: Yes. They are in front
22 of the ship but upstream to the rudder and as soon as
23 I acquire a little bit of speed, I leave the tugboats
24 and I know then my mooring line cannot be caught in
25 the propellers so if I leave the tugboats before that,
26 I must stop all engines immediately. Naturally I
27 don't want to catch the mooring lines in the propellers
28 so I leave my mooring lines there with the way I have
29 negotiated, and then I know there is no danger of
30 entangling my mooring lines with the propellers.



1 French

2 Q. Could you please go on and at pier
3 No. 50 do you then increase the speed of your vessel
4 at pier 50 or are you still in the same conditions?

5 A. Yes, same conditions up to Montreal
6 so when I have cleared all the oiling stations in
7 Montreal so I cannot go in faster than that.

8 Q. Is there a limit on the speed in the
9 Montreal Harbour?

10 A. Yes, it's 10 knots going upstream and
11 eight downstream. If you have a ship that is going
12 in 34 feet, 10 knots is still too fast. If you have
13 a small ship that goes at 12 knots, like it was going
14 very fast, and so forth -- he asks me what speed you
15 were going. I said 12 knots. Naturally with the
16 Cunard Line vessel or the Empress you don't go at
17 such a speed in the Montreal Harbour so usually I go
18 at a slower speed. Everything is dependent upon the
19 vessel. There are some vessels with a great draught,
20 and others have small draught so naturally with a
21 small draught vessel it is easier to determine.

22 Q. Could you please indicate any
23 difficulties to the place where you have reached?

24 A. Well there are difficulties during
25 the whole way, on the whole trip. Next to pier 50 we
26 find exactly the same thing. You have a current
27 here that throws you to Vickers. Don't ask me why.
28 I never understood that current. Perhaps it is due
29 to the shoal here (indicating) and then finally we
30 reach Longue Pointe and then at Longue Pointe still the



1 same thing. We start turning and our ship now can
2 go on turning so naturally we must be careful and we
3 must control but what happens, the ships goes between
4 the ships at anchor there because of the current astern.

5 Q. Are there any works taken at Longue
6 Pointe which are creating special difficulties at the
7 present time?

8 A. Well yes, there is a tunnel which
9 is being built.

10 Q. Could you please indicate exactly
11 the location of the works for the tunnel at Longue
12 Pointe at the present time? Could you perhaps make
13 a mark on Exhibit 450 and indicate that with the blue
14 pencil?

15 A. This is the extent of the works
16 (indicating). You have some scows that are anchored,
17 some tugs anchored, and so forth, and you also have
18 a ship over there so we must moderate the speed of the
19 vessel at very slow speed so what happens, your ship
20 tends to go towards the ships moored at Longue Pointe
21 because we don't have a great deal of speed and
22 naturally the current is more potent astern so I
23 clear off the ships at anchorage at Longue Pointe.

24 Q. Could you please indicate the anchored
25 ships with a green pencil and indicate to us exactly
26 where is this anchorage area at Longue Pointe?

27 A. Well you have anchorage No. 1 here
28 (indicating) which starts here below Longue Pointe.

29 Q. It starts from the place where
30 Longue Pointe is indicated on Exhibit 450 and it extends



1 French

2 to where?

3 A. Up to Canada Cement No. 7. All
4 this includes the whole anchorage area of Longue Pointe,
5 so these two spots are indicated in green on the
6 chart and linked by a straight line.

7 Q. Are there frequently any ships at
8 anchorage at that place?

9 A. Yes. There are always vessels
10 anchored at Longue Pointe. I think that they were from
11 seven to eight from Longue Pointe to Canada Cement
12 which meant that there was no available space between
13 these anchored vessels.

14 Q. What is the purpose of that anchorage?
15 Is that the location where the inspection for the
16 channel is done?

17 A. Yes. Well the inspection is carried
18 out there and if the pier is not ready to receive
19 the vessel when we get there at two or three or four
20 in the morning, and at times these ships may berth only
21 at seven, so then there is the inspection that goes
22 on, customs inspection at Longue Pointe. This is the
23 official anchorage area.

24 Q. Could you please go on with your
25 vessel, as soon as you have reached this mooring
26 area and indicate what is your approximate course from
27 there on?

28 A. Well this course I follow at 25
29 but naturally perhaps I will never negotiate the 25
30 there because when I start here (indicating) well the



1 French

2 current throws me northward and when I am turning,
3 well the current throws me southwards and then it
4 throws me northward again and then afterwards south-
5 ward there at 25. I will never govern 25 during
6 the whole course.

7 Q. And this covers the area starting
8 from the anchorage area up to where, approximately,
9 that you have this pressure throwing you at the south
10 and the north, and so forth?

11 A. Well I have it here (indicating)
12 all along Longue Pointe, as I explained beforehand
13 well the current would throw my vessel northward and
14 then southwards. You have no control. That occurs
15 here (indicating) with the anchor of my vessel, then
16 the current throws me north and as soon as I reach
17 the other place there, I am thrown southwards, and
18 then here my current becomes straight with the channel
19 and my downstream, what is called the table of the
20 current, and then I am thrown violently northward.

21 Q. Where is that? At buoy 151M?

22 A. This is called the tables of the
23 current. This is a very dangerous current and if
24 one is not very careful, and if you cross another
25 vessel, well I am afraid that you might find yourselves
26 in trouble because here we have a width of 550 feet
27 so I must be careful about that, if I have a big
28 oiler of 30 or 32 feet of draught, I must moderate
29 the speed of my vessel because I know I want to be
30 able to cross that vessel so what we call that is a very



1 French

2 dangerous current, the table of the current.

3 Q. What is the speed of the current
4 approximately at that place?

5 A. The current is three knots. It
6 isn't so much the current as the draught of the vessel.
7 If you are going northward and say you have 32 feet
8 of draught, and the other one crossing you has 34
9 feet, then it indicates that one must be very careful.

10 Q. As soon as you have passed that
11 place around buoy 151M, what is your approximate
12 course and what are the main difficulties you will
13 have to tackle?

14 A. Well I said that the current was
15 throwing me violently northward to the table of the
16 current. Then it becomes straight in line with the
17 channel for about a quarter of a mile and it throws
18 me again southwards opposite of beforehand except
19 that it is southward so I won't go at 35 for quite
20 a long while because I must stay straight in the
21 channel. If I meet another ship here (indicating)
22 there is another very dangerous ---

23 Q. Which is there? Near where?

24 A. A little higher than the little
25 light here of Ile aux Vaches. Then you have eight feet.
26 nine feet depth. That is to say you have no depth
27 so I go downstream with a vessel and there is another
28 vessel and there is another vessel going downstream,
29 the current will throw the other vessel southwards
30 so if I am going to pass there, the only thing to do



1 French

2 is to moderate the speed in order for the vessels to
3 pass one another, because with the Empress you would
PB/RPS 4 never go any faster than 90 revs, 90 rpm's it would
5 be too much. When you have some vessels that have
6 about 900 feet and to go at high speed, well, it is
7 impossible to meet such a vessel unless you are expert
8 on your own vessel.

9 MR. LALONDE: I am sorry, Captain Arcand,
10 it is ten past five and we adjourn usually at five.

11 THE CHAIRMAN: I don't think we will
12 finish that this evening so we will stand adjourned
13 until ten o'clock in the morning.

14
15 ---WHEREUPON THE HEARING ADJOURNED TO 10:00 A.M.,

16 TUESDAY, NOVEMBER 19th, 1963.

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